



*Procedural guidebook
for women who are victims of gender violence*

The diary of a free woman

2nd Edition

Published by the Directorate-General for Gender Violence and Victim Assistance

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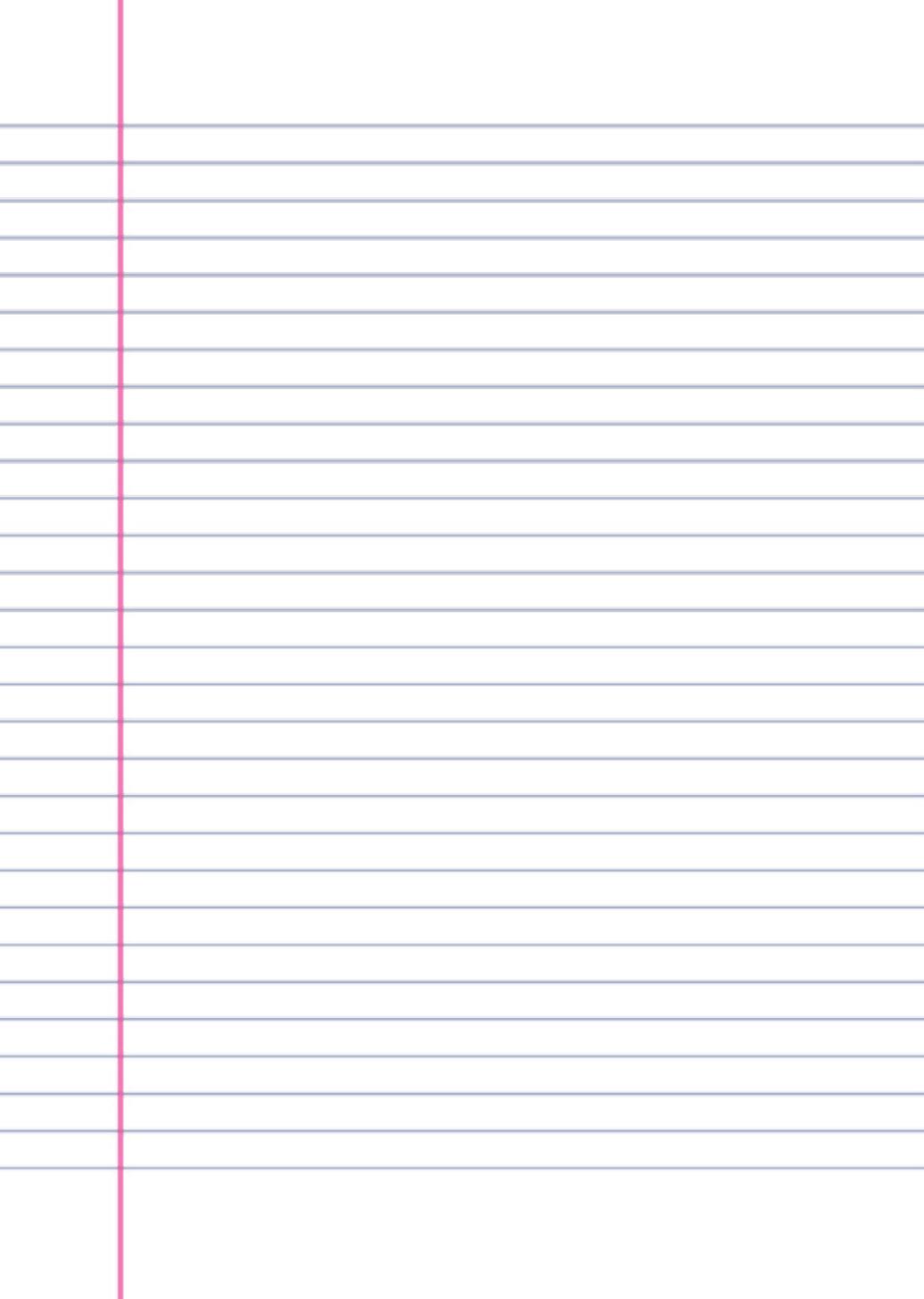
- Assistance Service for Victims in Andalusia (SAVA – Servicio de Asistencia a Víctimas en Andalucía)
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- Bar Associations in Andalusia
- Resources in your area
- Telephone number 016
- Emergency telephone number 112

Glossary of terms

*Procedural guidebook
for women who are victims of gender violence*

Star blue





*Procedural guidebook
for women who are victims of gender violence*

The diary of a free woman

**I'm a free woman, I'm not alone
I have the right to live as I wish
To close my eyes and dream**

**He loves me
I'll do everything possible
For us to be happy
My problems don't matter now**

**We love each other
I want to help him
He'll change**

**He said things I'd rather forget
He'd never done that before
I cried**

**It won't happen again
He loves me**

**Today he kissed me like when we were kids
He promised me it won't happen again
We love each other
After all...**

**No!
Don't do that
You have to stop
You're not happy
They say
I say
Wait no longer
Open your eyes
You're not alone**

**I was shaking again
Not everyone understands**

**Your caresses are back and your voice soft
The doubts arise
The light goes out**

**No!
Don't do that**

**I see myself in the mirror
A thousand reflections
He won't hurt me again**

**Today the world is a hallway
A room
An exit door
Listen
This is over**

Today I can laugh

Love

Return to life

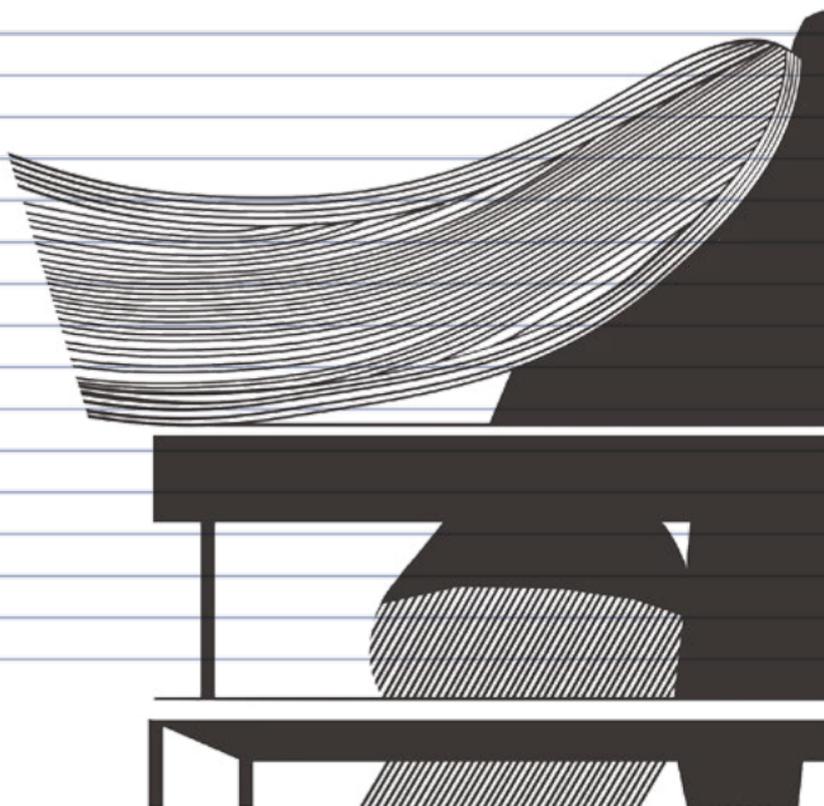
Live without fear

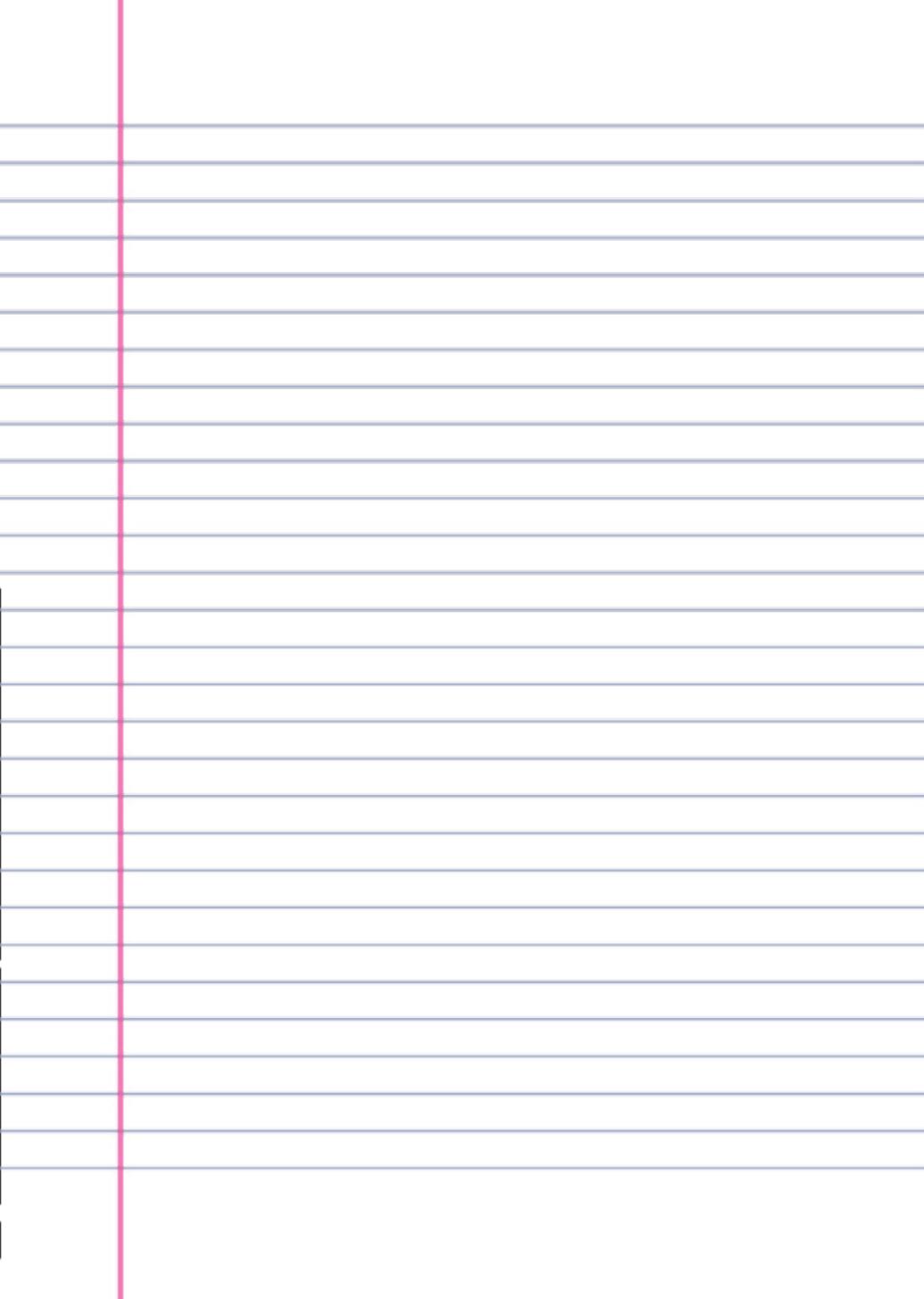
Walk in peace

I'm free and own my dreams

And my starting point and destination

Star blue, blue, a new beginning





**HOW CAN YOU IDENTIFY
GENDER VIOLENCE?**

Violent behaviour begins with isolation, humiliation and attacks on your self-esteem. Aggression, shouting and insults do not indicate love – they are violence. And you're not the one responsible. Identifying the first signs will help you denounce a situation that cannot be normal in an affectionate couple's relationship.

Gender violence is a process, not an isolated or occasional circumstance. To learn how it begins and continues, even increasing over time, will help you perceive and understand behaviour which until now seemed inexplicable, as did its consequences.

If your husband or ex-husband, partner or ex-partner has injured or threatened you or in any other way limits your freedom, then you are the victim of a crime or misdemeanour of gender violence.

If you have children, they are also victims of gender violence, because they witness the gender violence's grave consequences and often suffer the same aggressions as you do, with serious repercussions on their physical, psychological and emotional development.

Gender violence is a crime punishable by law. Law 13/2007 of 26 November, on Comprehensive Protection and Prevention of Gender Violence, considers gender violence to be:

Physical violence, which includes any act of force against the woman's body which results in or risks producing physical injury or damage, done by a person who is or has been her spouse or by a person who is or has been connected to her by a similar affectionate relationship, even without living together. Likewise considered as physical violence against a woman are such acts committed by men in her family or social and/or employment circles.

Psychological violence, which includes all verbal or non-verbal conduct which produces in the woman loss of self-esteem or suffering via threats, humiliation or abuse, demands of obedience or submission, coercion, insults, isolation, blame or limits on her scope of freedom, done by a person who is or has been her spouse or who is or has been connected to her in a similar affectionate relationship, even without living together. Likewise considered as psychological violence against a woman are such acts committed by men in her family or social and/or employment circles.

Economic violence, which includes intentional and legally unjustified deprivation of resources for the physical or psychological wellbeing of the women and her children or discriminatory distribution of shared resources in the scope of the couple's cohabitation.

Sexual violence and sexual abuse, which include any act of sexual nature forced by the aggressor without the woman's consent, encompassing the imposition by force or intimidation of non-consented sexual relations as well as sexual abuse, regardless of whether the aggressor is or is not the spouse, partner, lover or relative of the victim.

To identify gender violence and some of its indicators, the table below explains some tactics aggressors often use in different kinds of violence:

AGGRESSOR'S TACTIC	
Threatens to hurt you or take your children away	
Uses intimidating looks and gestures	
Says things to make you feel inferior, bad or guilty	
Makes fun of you, insults or offends you when alone, in front of your children or with others	
Controls what you do, who you see, whom you speak with, what you read and where you go	
Blames you for causing his violent conduct	
Threatens and pressures you, saying he'll commit suicide or leave you	
Doesn't let you make important decisions.	
Constantly denigrates your work, beliefs or ideas	
Doesn't tell you about family income or doesn't let you access it	
Takes away the money you earn	
Doesn't give you enough money to sustain your children	
Leaves you without social and/or family contacts	
Threatens to post compromising information about you on the internet	
Constantly follows you intrusively via the internet or social networks	
Controls your telephone, your email and/or social network accounts	

	EFFECT ON YOU	KIND OF VIOLENCE
	Panic, insecurity, submission, blockage and/or paralysis	PSYCHOLOGICAL
	Fear, intimidation, powerlessness	PSYCHOLOGICAL
	Kills your self-esteem, humiliation	PSYCHOLOGICAL
	Isolation, humiliation, kills your self-esteem	PSYCHOLOGICAL
	Lack of personal and social protection, isolation	PSYCHOLOGICAL
	Insecurity, paralysis, feeling of incapacity	PSYCHOLOGICAL
	Emotional dependence, paralysis, submission	PSYCHOLOGICAL
	Kills your self-esteem, incapacity, denigrates you	PSYCHOLOGICAL
	Kills your self-esteem, denigrates you, humiliation	PSYCHOLOGICAL
	Isolation, control, economic dependence	ECONOMIC
	Isolation, control, economic dependence	ECONOMIC
	Economic dependence, control, denigrates you	ECONOMIC
	Emotional dependence, isolation, control	PSYCHOLOGICAL
	Stress, anxiety, submission	PSYCHOLOGICAL
	Social isolation, powerlessness, isolation	PSYCHOLOGICAL
	Lack of social/personal protection, powerlessness, isolation	PSYCHOLOGICAL

AGGRESSOR'S TACTIC	
Posts photos or other information on the internet to damage your image	
Uses jealousy so that you don't leave home	
Shuts you into your home or in a room	
Shouts at you, doesn't respect you, admonishes you, insults and/or keeps close watch on you	
Grabs you and/or pushes you	
Breaks your personal things and/or abuses the family pets	
Hits you, attacks you with weapons or injurious objects	
Uses weapons to intimidate you	
Uses you as a sexual object	
Insists on having sexual relations without your consent	
Denies the existence of abuse and/or mistreatment	
Doesn't fulfil duties as a father	
Uses the children to control you	
Mistreats and/or abuses your children to hurt you	
Uses scheduled visits to harass and/or bully you	
Forces you to withdraw formal complaints	
Files a complaint against you to make you submit	

	EFFECT ON YOU	KIND OF VIOLENCE
	Control, kills your self-esteem, humiliation	PSYCHOLOGICAL
	Control, isolation, lack of social protection	PSYCHOLOGICAL
	Panic, paralysis, lack of social protection	PHYSICAL
	Humiliation, panic, kills your self-esteem	PSYCHOLOGICAL
	Terror, paralysis, physical deterioration, submission	PHYSICAL
	Fear, panic, powerlessness, insecurity	PHYSICAL
	Terror, major physical deterioration, submission	PHYSICAL
	Terror, paralysis, submission, powerlessness	PSYCHOLOGICAL
	Guilt, panic, submission, paralysis and adjustment	SEXUAL
	Guilt, terror, submission, paralysis and adjustment	SEXUAL
	Affective ambivalence, kills your self-esteem	PSYCHOLOGICAL
	Lack of personal/social protection, emotional dependence	PSYCHOLOGICAL
	Fear, control, insecurity, blockage	PSYCHOLOGICAL
	Terror, submission, adjustment to violence	PHYSICAL/ PSYCHOLOGICAL
	Fear, control, insecurity	PSYCHOLOGICAL
	Emotional dependence, insecurity, lack of legal protection	PSYCHOLOGICAL
	Submission, control, powerlessness, insecurity	PSYCHOLOGICAL

The people whose work is to care for victims of gender violence and help them recover have labelled the violent process in which you may be immersed as the so-called **CYCLE OF VIOLENCE**, which will help you understand and identify situations that you and your children may be experiencing. The following are phases of the Cycle of Violence:

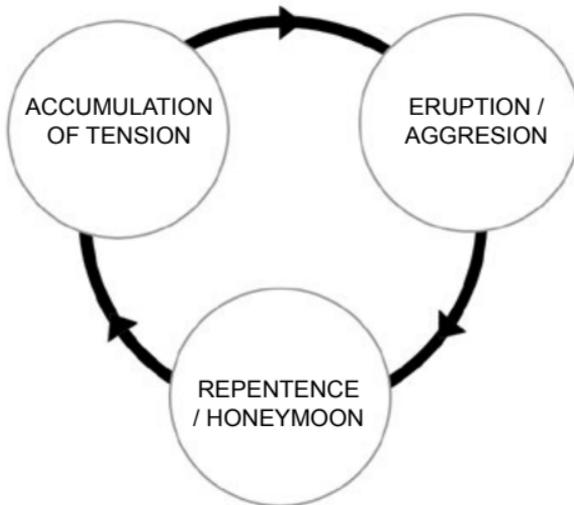
TENSION phase: In this phase your aggressor gradually becomes hostile and unexpectedly changes his mood, acting aggressively. Although you try to soothe him and minimise the tension, his aggressiveness continues to rise;

ERUPTION OF VIOLENCE OR AGGRESSION phase: In this phase violence breaks out and physical, psychological and sexual aggression occurs to you and/or your children;

REPENTENCE OR HONEYMOON phase: In this phase the aggressor repents, asks for forgiveness, makes excuses to explain his conduct, promises he will change, give gifts, shows how

much his partner and family mean to him, encourages the idea of change and may even go into treatment. His purpose is to maintain the relationship.

All these phases will be repeated, with increasing frequency, until they are reduced to one single one: **THE ONE OF ERUPTION OR AGGRESSION.**



REMEMBER: In the process of violence the attacks will be increasingly frequent, intense and dangerous. You can stop this cycle if you become aware of the situation affecting you and your children, ask for help from professionals who specialise in gender violence and keep away from the aggressor; this is the only way to begin building a life without violence.

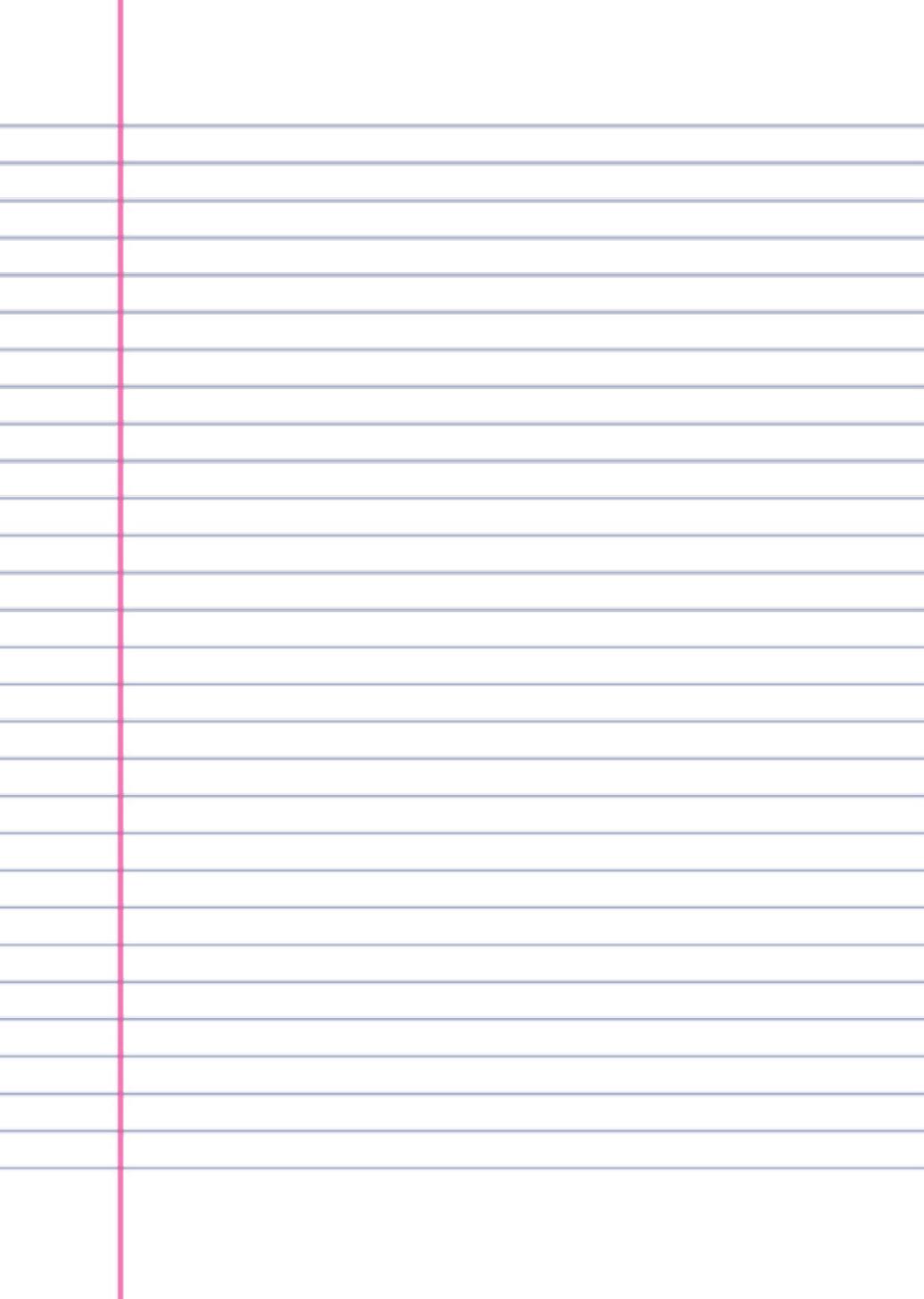
The aggressor's aim is to control, submit and dominate you and any deviation from that end will provoke a violent act or incident.

Do not downplay this situation; there are special resources that will help you get away from gender violence. You are not alone!

IMPORTANT: If you find yourself in an emergency situation, call telephone number 112. They will help you right away, sending and alerting security units for your immediate assistance and protection.

Yellow like the days I want to forget





**HOW DOES THE COURT FIND OUT
ABOUT YOUR VIOLENT SITUATION?**

Gender Violence is a crime prosecutable *ex officio* and this means that from the moment the courts, law enforcement agencies, public prosecutor's office and your health centre learn of the situation of violence suffered by you and your children, even if you haven't decided to file a complaint, they will inform the justice authority so that the resulting aggression can be punished and any damage repaired.

There are three pathways via which the Court is informed about the facts and circumstances of the alleged crimes or misdemeanours involving gender violence which you have suffered:

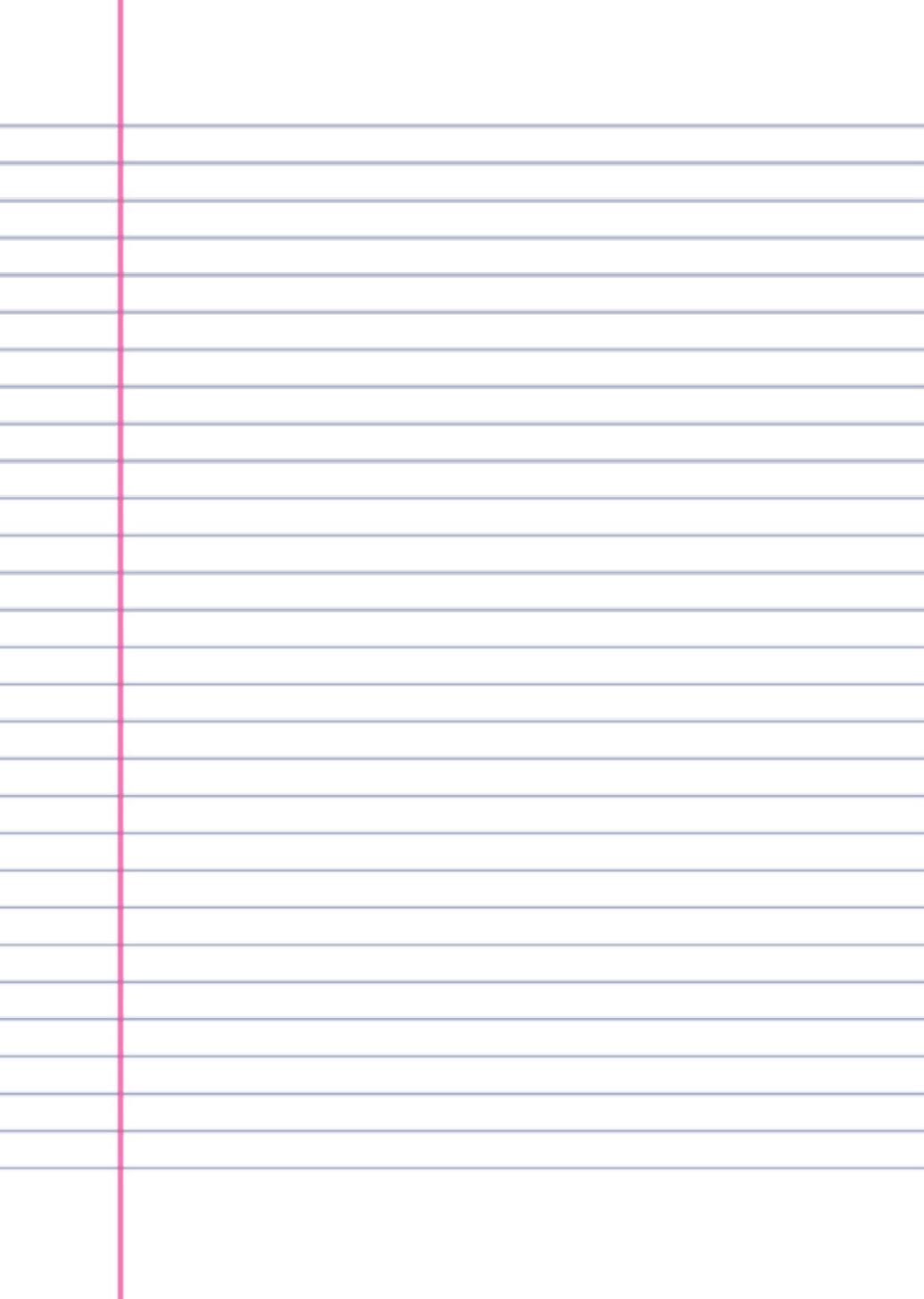
The formal complaint (denuncia): This is the declaration you or any person close to you submits to the Court, the Police or Civil Guard or the Public Prosecutor regarding the situation of violence you have suffered;

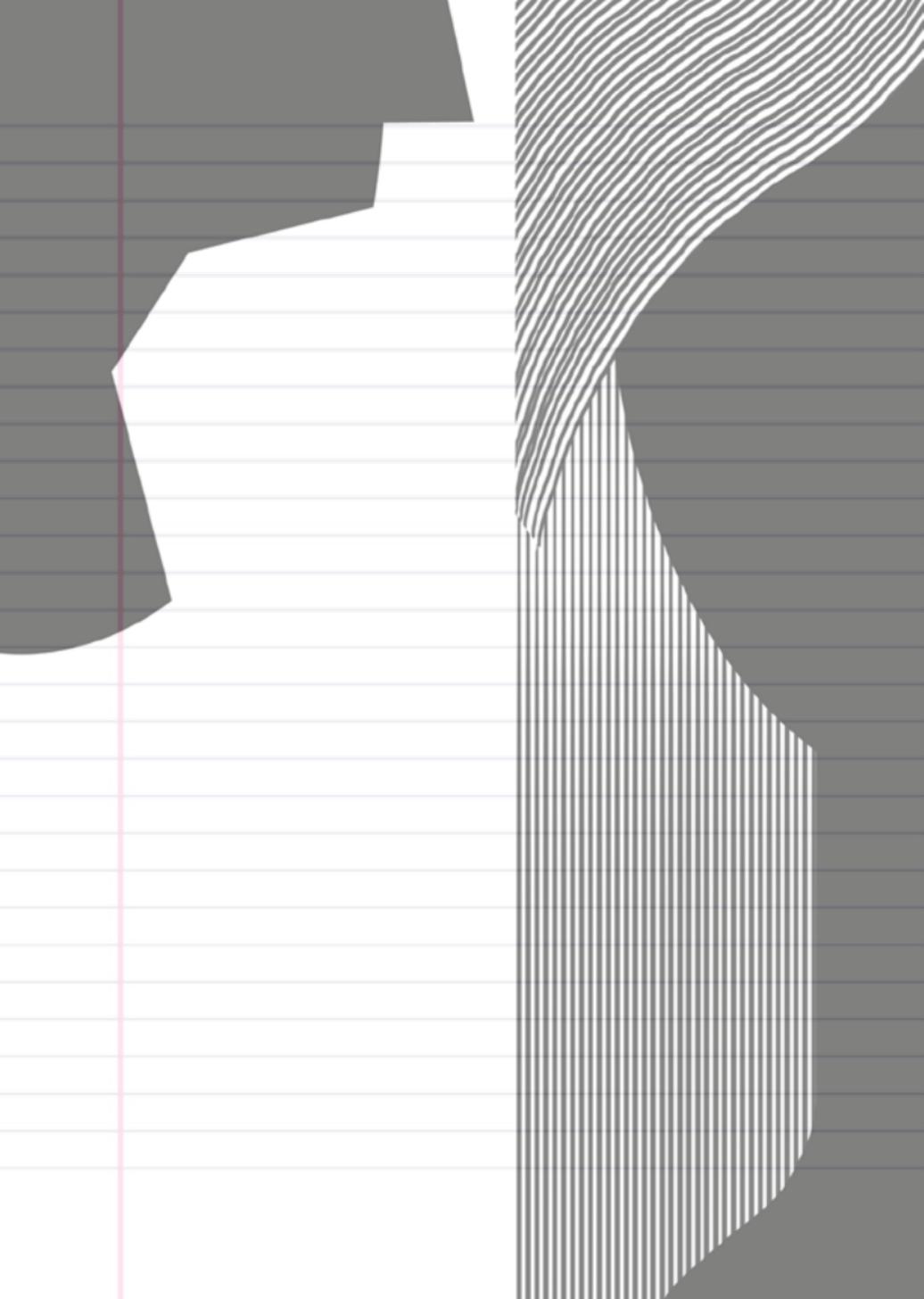
The police report (atestado policial): This is the document in which the Police or Civil Guard set down all the facts, circumstances and statements attesting to the situation of gender violence that has occurred, either because they are called to the place where the events have occurred or because you go to their stations or offices to file a complaint. This report should include all investigations, information and details that the officers obtained during their intervention and which will later serve as evidence during the trial;

The injury report (parte de lesiones): This is the document drawn up by health personnel regarding the injuries you present if you go to a hospital or health centre for care due to the aggression you or your children have suffered; they must forward this report immediately to the Court.

IMPORTANT: Your personal information and that of your children is kept confidential in the complaint, the police report and the injury report, thereby protecting your privacy, ensuring your security and preventing it from coming to the knowledge of the offender named in your complaint.

Blue whose story fits in an instant





Part 1
THE COMPLAINT

Why is it important to file a complaint?

Filing a complaint brings to light the situation of gender violence in which you and your children are victims, unleashing all protection, assistance and recovery mechanisms via the judicial authorities, public prosecutor's office, law enforcement agencies and social services.

Who can file a complaint?

You or any other person (a relative, neighbour, etc) who knows about the facts and circumstances of violence that has occurred can file the complaint denouncing that situation.

If you decide to file the complaint yourself, you will feel safer and better supported if you are accompanied by someone you trust.

Where is the complaint submitted?

The complaint can be submitted to any of the following:

- National Police (Policía Nacional) or Local Police (Policía Local) station in your municipality.
- Civil Guard (Guardia Civil) station;
- Public Prosecutor's Office.
- Court of Violence against Women or Duty Court.

The law guarantees the right of free legal assistance via your lawyer (abogado/a) and court representative (procurador/a) in all judicial proceedings that you initiate for gender violence.

In any case, at the Police or Civil Guard station where you submit your complaint, before making your declaration you can ask them to immediately designate an ex officio duty lawyer who specialises in gender violence, or you can designate one of your own free choice, to advise you in all legal actions associated to the facts you will denounce in your complaint and about any protection measures you might request.

Likewise, besides the specific Court for Violence against Women (Juzgado de Violencia contra la Mujer), each Public Prosecutor's Office (Fiscalía) also has a special section where you can go to report everything that has happened to you. It will then start the corresponding investigation.

The specific Courts for Violence against Women and the special Public Prosecutor sections have professionals trained in gender violence and their offices are prepared to meet your needs.

If you file the complaint before a court you can use the free public Assistance Service for Victims in Andalusia (SAVA – Servicio de Asistencia a Víctimas en Andalucía), comprising a technical team of professionals from the areas of law, psychology and social work, who will inform, advise and accompany you through the Court to file the complaint or request a protection order.

IMPORTANT: If you are afraid for yourself or your family and believe there is a risk of a new aggression, request the protection order at the same time you submit the complaint in order to reinforce your security and prevent new aggressions.

REMEMBER: Whenever possible, submit your complaint to the specialised units of the National Police, Local Police or Civil Guard, as they have personnel trained in matters of gender violence.

You also have the right to insist that the person who assists you be a woman throughout the time it takes to submit the complaint.

How and what should be reported in the complaint?

Take your time; in the complaint clearly, completely and concisely state everything that has happened to you, the events originating your complaint and any others that have occurred and which you clearly remember during your relationship with the aggressor.

When the time comes to make your declaration, relax and try to remember dates, literal phrases or people who were present during the violent situations. Whenever you can, write them down beforehand¹.

Also tell in detail if there has been any aggression toward your children or if they were present when you suffered aggression.

¹ On page 32-35 we show you some situations you might identify with and which may help you remember.

The Police or Civil Guard will ask you about important aspects which you mustn't forget: your identification data and those of your aggressor, your marital status, how long your relationship has lasted, if he has a licence to use weapons, if you have children in common, if you work, if you have suffered previous aggressions and if they have been denounced in a complaint, and finally if you need a protection order.

The officers will also ask you about the existence of injuries, and if so:

- a. If you have been assisted at any health centre and have the medical report, which will be attached to the complaint.
- b. Otherwise you will be offered the possibility of being transferred to a health centre to receive the necessary medical attention; the resulting medical report will be attached to the complaint.

c. If you do not want to be transferred to a health centre the apparent injuries that are evident will be noted in writing and you will be asked if photos can be taken of same so they can be joined to the complaint. These photos of your injuries and the state of your house if the aggression happened there are very important; that way, besides having your testimony and medical reports, the Judge can have a better idea of what exactly happened and your condition after the aggression.

When you present the complaint you will be informed of your rights as a victim by means of the Rights Information Form (Acta de Información de Derechos) which you will sign.

IMPORTANT: Before signing your complaint read its content closely to be sure that it contains all the facts that you have recounted. If you think something important is missing, ask the officer to include it. If they don't give you a copy of the complaint, **DON'T FORGET TO ASK FOR ONE.**

If your emotional state doesn't allow you to clearly narrate the events that have occurred, don't worry because you can later add to the complaint during the Court's investigation phase.

REMEMBER: The Assistance Service for Victims in Andalusia (SAVA) and your lawyer will inform you and legally advise you about each of the steps to take. They are professionals who specialise in such matters and will know how to resolve any questions that arise. Use them whenever you feel the need!

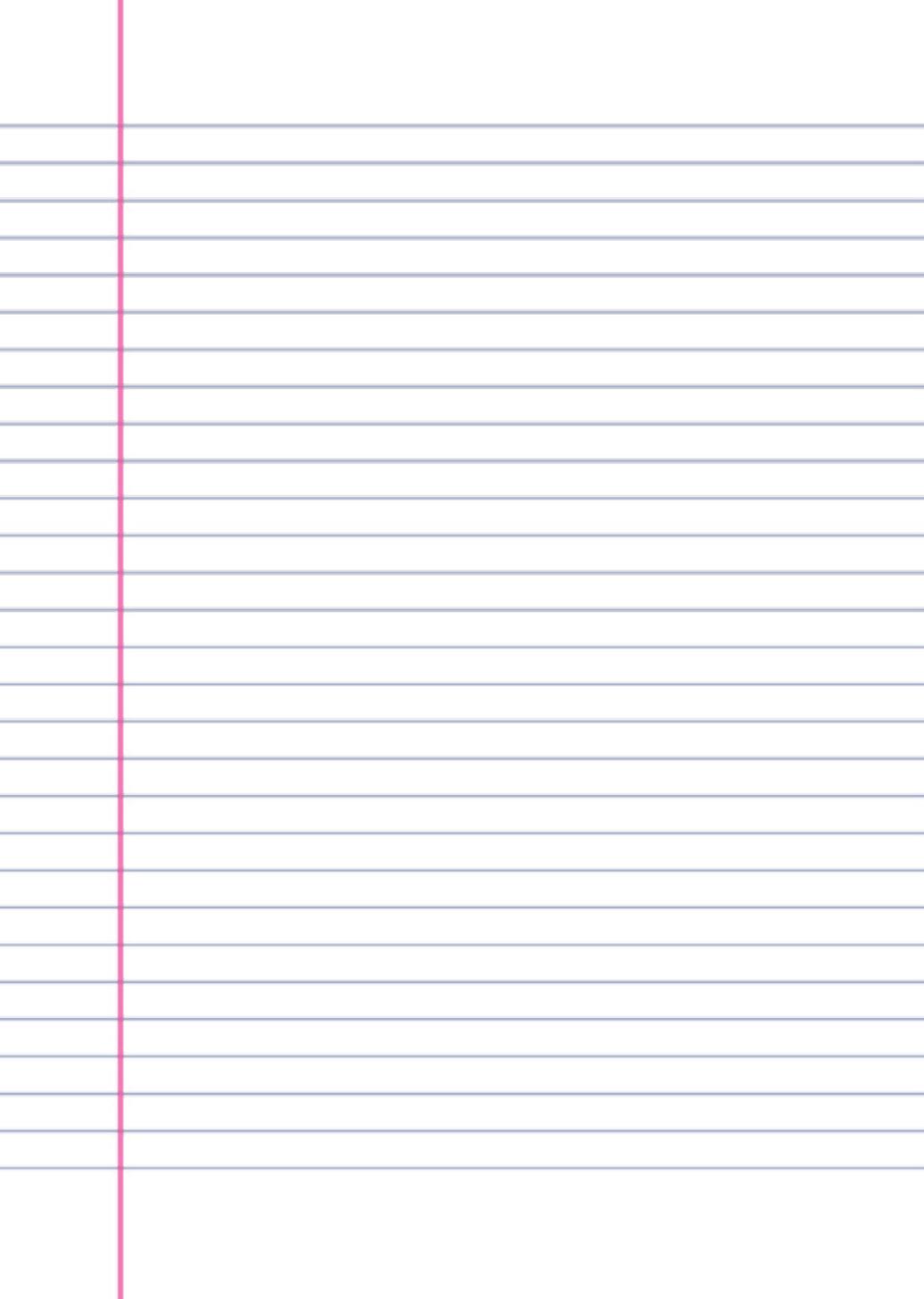
What happens if you decide not to continue with the complaint?

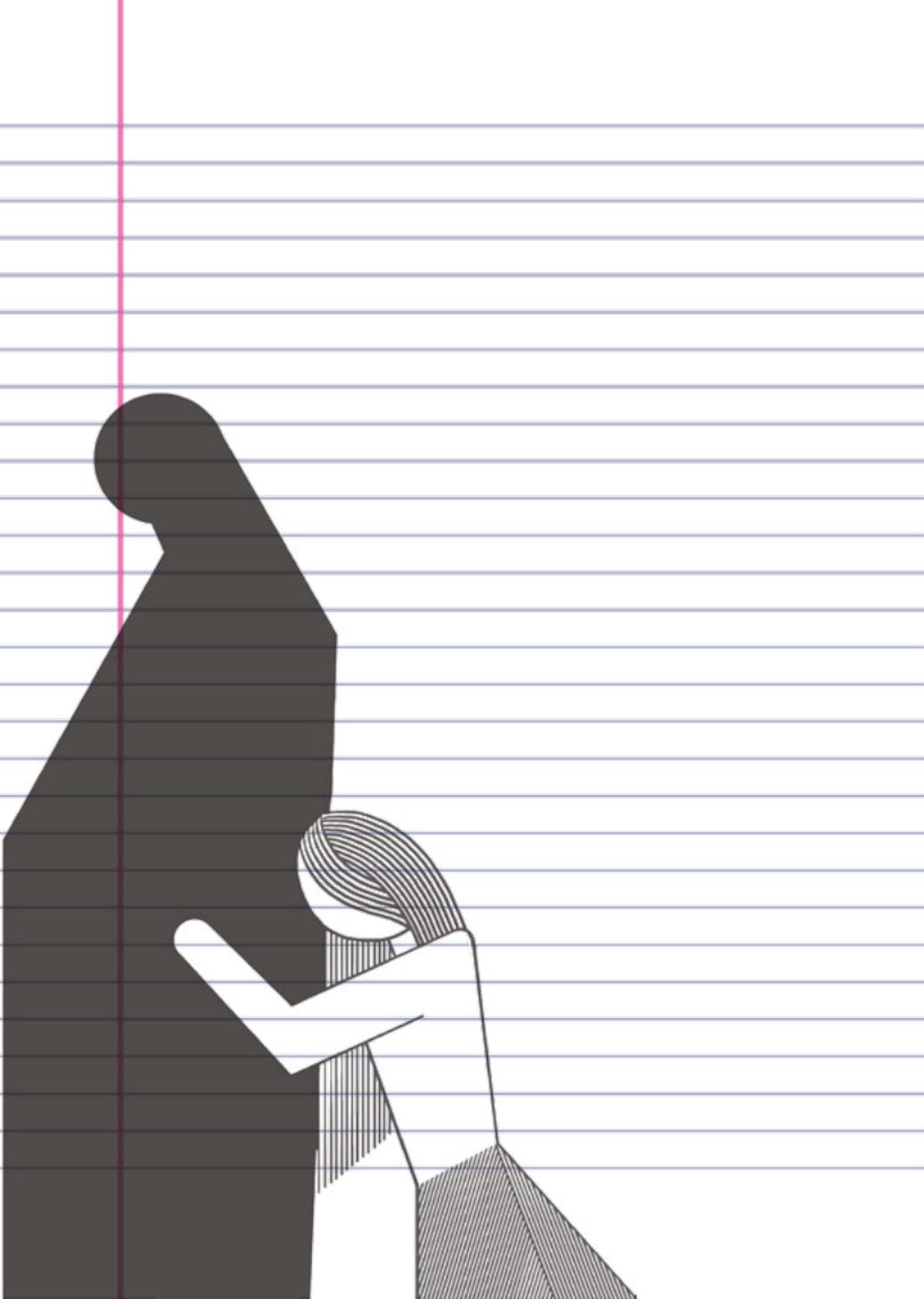
If you decide to withdraw the complaint during the investigation phase or if during the oral trial proceeding you decide not to declare against the accused, or if you retract your initial declaration, first check with the SAVA – they will provide you with the necessary guidance.

The request to withdraw (retract) the complaint must be made before the Judge handling the case, but since it is a crime punishable *ex officio*, the Public Prosecutor's Office will continue the proceeding if it considers that there are enough signs that a crime or misdemeanour involving gender violence has been committed, even if you don't want the proceeding to continue. If you are cited as a witness, although you can refuse to declare, you will have to go to the trial, even to say only that you don't want to declare.

If the Public Prosecutor considers that there is no evidence attesting to the commission of a crime or misdemeanour involving gender violence, the proceeding will be shelved and you will be notified of that circumstance.

IMPORTANT: The decision to withdraw from the proceeding should not be due to threats or coercion by the alleged aggressor or your common family circle or friends, as sometimes happens. If you receive pressure of any intensity consult your lawyer and remember that at SAVA they will provide you with guidance and advice suitable to your needs. It will also be very convenient for you to denounce this to the Public Prosecutor.





Part 2
THE POLICE REPORT

In this report the Police or Civil Guard will note all actions they take to guarantee your safety, as well as circumstances that can attest to the facts indicated in the complaint.

The Police or the Civil Guard will set down in the police report the result of their investigations, the declarations they take and any circumstance they might observe, such as, for example, the state in which you or the aggressor are found, injuries you may present and whether there is any disorder or damage to the home which might indicate that an aggression occurred, ID information about the family group, the request for a protection order and the statement of the denounced person following his arrest (if necessary), once informed of his rights.

When all these indications have been examined a Police Risk Evaluation (VPR – Valoración Policial de Riesgo) report will be issued which assesses the seriousness of the risk of new aggressions and you will be informed about the security and protection measures to take, adjusted to the specific risk levels (not discerned/low/medium/high or extreme).

The Police Report will include, among others, the following information obtained from your account

of the events and that gathered during the officers' investigation:

- Your statement
- Your ID information, those of your aggressor and those of the family group
- The facts denounced
- The request for protection and security measures implemented by the officers
- The appearance and statement of the alleged offender
- The statement of the witnesses
- The declaration by the police officers who went to help you
- Police actions to verify and prove the complaint
- Police actions to confiscate weapons
- Police records of the alleged offender
- Procedures to remit medical, psychological and social reports
- Risk evaluation report

When appropriate, the police report will be joined by the following documents:

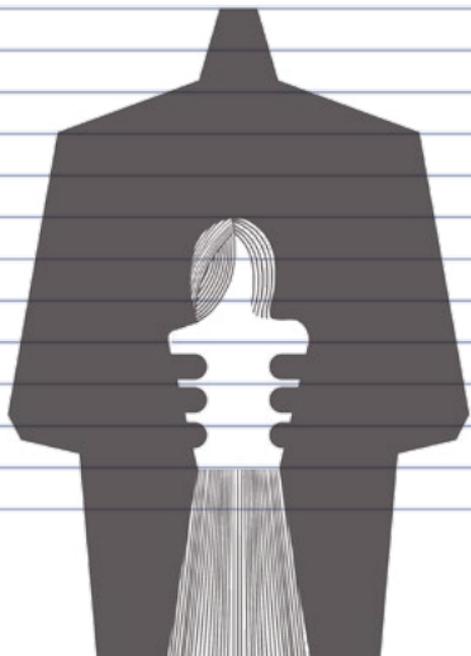
- Injury report and respective photographs;
- Request for protection order;
- Proceeding regarding arrest of the alleged aggressor (if appropriate) and his being informed of his rights;
- Any other proceeding not contained in the body of the report¹.

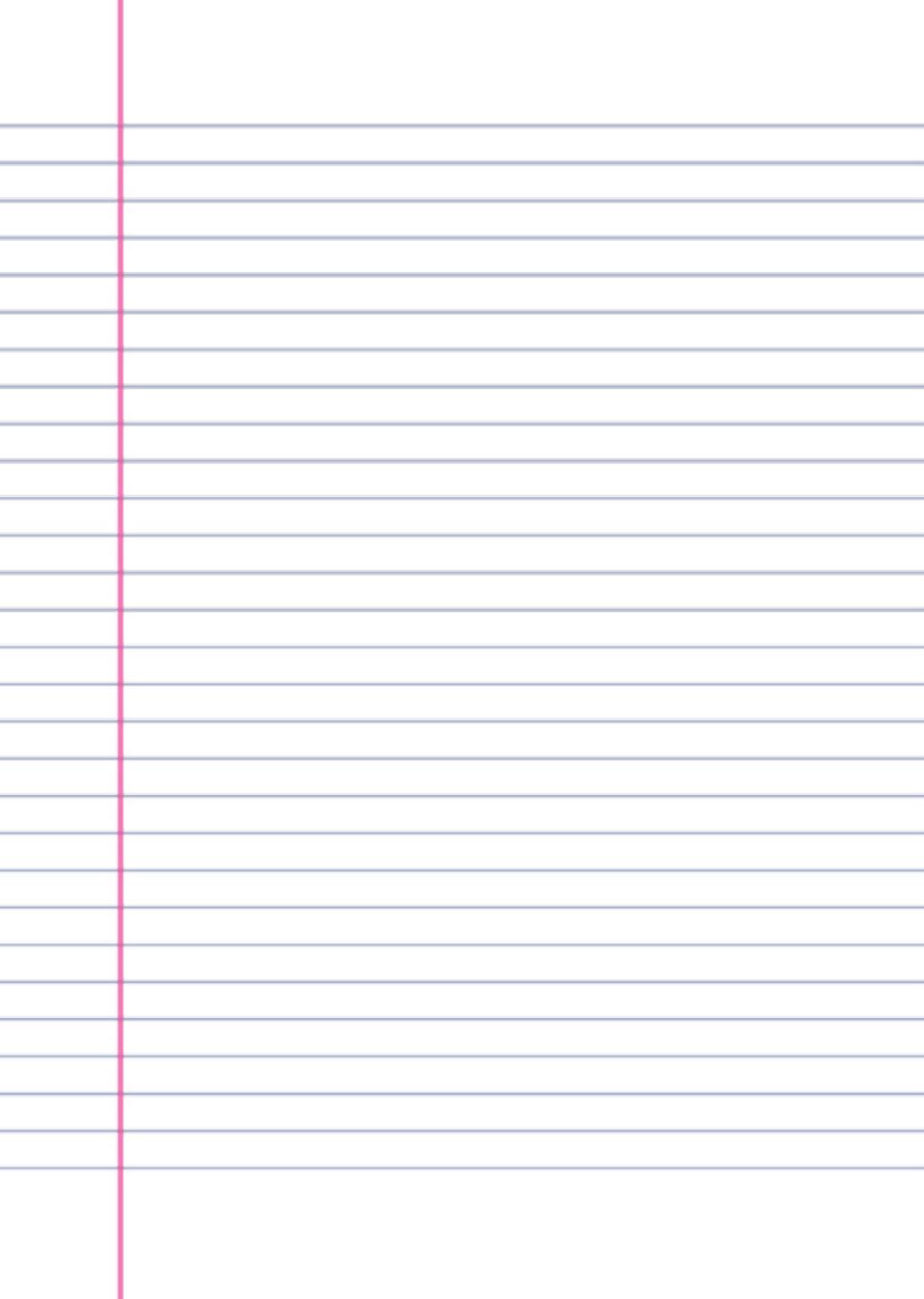
¹Source: Protocol for action by Law Enforcement Agencies and for Coordination with judicial entities to protect victims of domestic and gender violence.

IMPORTANT: Although it may be hard for you, tell everything that happened in your situation of abuse; take as much time as you need.

Whenever you can, seek the units that specialise in violence against women pertaining to the National Police via its Family Attention Service (SAF – Servicio de Atención a la Familia) and to the Civil Guard via its Women and Minor Teams (EMUME – Equipos de Mujer y Menor), as well as the Local Police of your municipality.

You can request professional accompaniment at the Assistance Service for Victims in Andalusia (SAVA).





Part 3
THE INJURY REPORT

If you suffer an aggression and present injuries, no matter how serious, go to the nearest health centre or hospital. There you will be helped by health personnel who will examine you and ask you to recount all the aggressions you have suffered, as well as your physical and emotional state. This injury report will be immediately forwarded to the Court.

The health personnel who assist you will draw up a document called the Injury Report (Parte de Lesiones) which will indicate all the injuries you present, their cause and prognosis and, when appropriate, other data associated to the reasons why you sought health assistance. The injury report will be joined by a medical report which they will read to you before it is finalised.

The injury report and medical report will contain, among others, information about the events and circumstances you have recounted and the test and examinations they have conducted, such as the injuries presumably resulting from the aggression and their typology:

- The physical injuries you present described in detail and the date they were most likely produced. Special attention will be paid to older injuries as proof of the habitual abuse you suffer. They will take photos (preferably in colour) of the injury areas, with your prior consent. This is very important evidence and

is the best way to confirm the violence you are subject to, thereby helping the judge perceive the seriousness of the injuries

- When any possibility of internal injury is indicated after the clinical evaluation (abdominal, thoracic and/or cerebral), that information will be indicated as suspected, because it can only be confirmed after diagnostic examination at hospital level.

If you have suffered a sexual abuse or aggression, a gynaecological examination will be conducted by the Forensic Doctor, taking samples of blood, vaginal discharge, saliva, etc, for analysis.

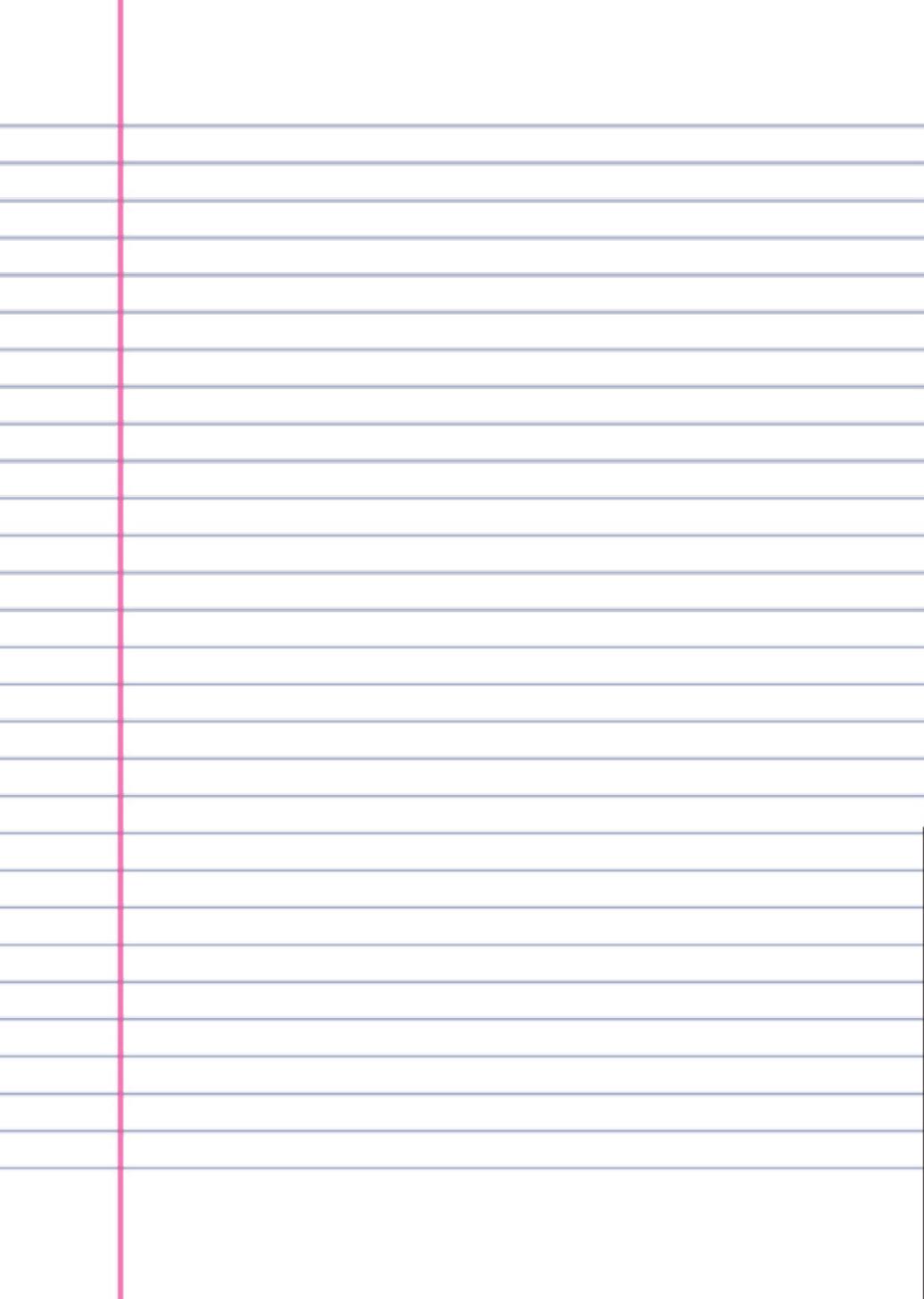
It is very important for you to tell the person who assists you all possible information about the aggression that produced your injuries, as that professional may be summoned to the trial as an expert or witness.

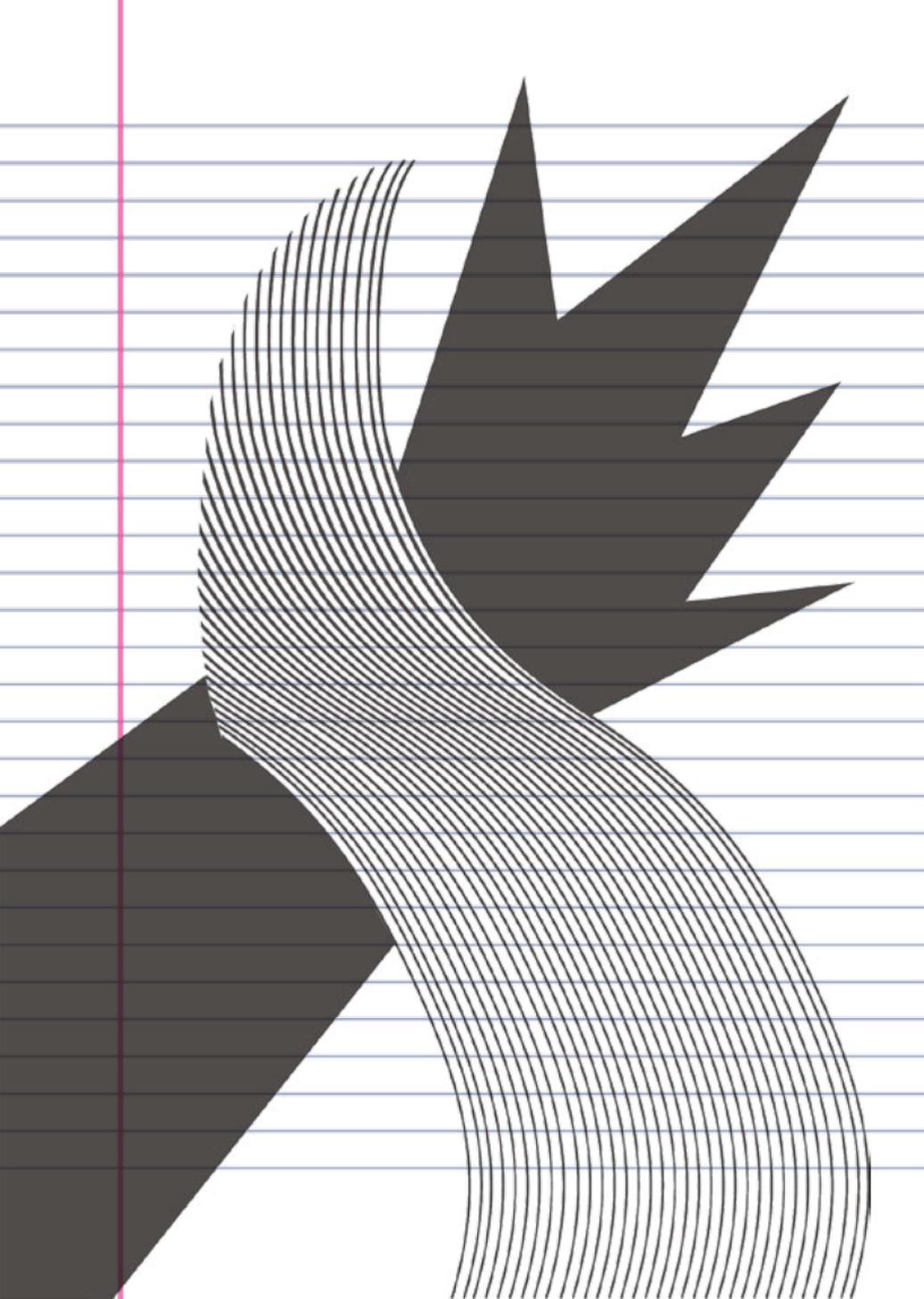
Four copies will be made of the injury report:

- One will be sent to the respective Court.
- One is for yourself.
- One is for the hospital or health centre that provided assistance to you.
- And the last copy will be sent to your province's Health Office (Delegación de Salud).

IMPORTANT: The health personnel will inform you about your right to submit a complaint and about the social services where you can receive advice and assistance, as well as the possibility of admission to a shelter via the Information Telephone for Women (Teléfono de Información a la Mujer) number 900200999.

REMEMBER: You should pay attention to all injuries and blows. Especially do not forget to describe any blows to the head, because they can produce hidden injuries that you don't immediately notice.





THE PROTECTION ORDER

The protection order includes protection and security measures to safeguard you and your children against any future acts of aggression.

By obtaining a protection order you are recognised as being a victim of gender violence. It activates not just measures meant to safeguard your security, but also social, assistance and aid measures as well as benefits placed at your disposal by the State and by the autonomous government of Andalusia (Junta de Andalucía).

Who can apply for the protection order?

The Protection Order can be requested by you yourself and also by your family or the Public Prosecutor.

If it hasn't been requested, the Court may agree on precautionary protection and security measures until the sentence resulting in conviction of the offender, if it considers that there is an objective risk to your life, physical integrity, sexual freedom or the safety of your children.

The adoption of a protection order implies the duty to keep you constantly informed about the case situation of the alleged aggressor, as well as the scope and duration of the precautionary measures imposed.

Where is the protection order requested?

You can request a protection order from the following:

1. The Court;
2. The Public Prosecutor's Office;
3. Offices of the National or Local Police or the Civil Guard;
4. The Assistance Service for Victims in Andalusia (SAVA).
5. Provincial centres of the Andalusian Institute for Women's Affairs (Instituto Andaluz de la Mujer), Municipal Information Centres for Women (Centros Municipales de Información a la Mujer), Information Points for Woman (Puntos de Información a la Mujer) and Community Social Services (Servicios Sociales Comunitarios), etc.
6. The Legal Guidance Services (Servicios de Orientación Jurídica) of the Bar Associations (Colegios de Abogados).

In all those offices you will be guided and informed about the protection order request, the procedures involved and the respective effects.

Although those entities have the forms enabling you to apply for a protection order, it is advisable that you request it from the law enforcement officers when you submit your complaint.

You can also apply for it later, when you are cited before the Court.

The request for a protection order will be forwarded immediately to the Court for Violence against Women or to the Duty Court.

IMPORTANT: To guarantee your safety and prevent the aggressor from finding you, you can indicate on the protection order application form the residence or telephone of a third person to whom the Police, Civil Guard or Court can send notifications and citations.

How is a protection order processed?

When the Court receives a protection order application it must schedule a hearing to hear the parties within a maximum of 72 hours. The hearing will be attended by:

- The victim or her legal representative.
- The alleged aggressor.
- The Public Prosecutor.

The Judge will at that time dictate the measures needed to prevent you or your family, when appropriate, from having to meet with the alleged aggressor; for this reason you will make your statements separately.

The minimum necessary proof will be collected to attest to the existence of gender violence and the consequent risk. Once the previous information has been evaluated by the Judge and the interested parties heard, the Protection Order and associated safety measures will be approved if deemed appropriate.

The Court will notify you personally of the decision regarding the requested protection order. If you do not agree with it your lawyer can appeal it.

IMPORTANT: If in the end the Judge does not consider that there is sufficient risk, no measure will be approved, although if this situation changes he or she can impose the respective measure at any time.

REMEMBER: If you are granted a protection order, always carry it with you so that you can show it to the police if the aggressor fails to comply, placing the safety of you or your family at risk.

What measures can be ordered in a protection order?

Measures that can be ordered in a protection order can be criminal and/or civil.

Criminal measures that can be imposed on the alleged aggressor to ensure your comprehensive and immediate protection are the following:

- Provisional detention: If the Court agrees on this measure, the alleged aggressor will go to jail while the criminal proceeding is processed. The Judge may change his situation and agree to release him with or without bail at any time during the proceeding. You will be informed of these changes immediately;

- Prohibition from approaching, residing in or going to certain places: The Court aims by this measure to ensure that the alleged aggressor cannot get close to you, your home or your workplace, keeping at

a minimum distance determined in the protection order, or if appropriate can also forbid him from residing in a given area. Compliance with this measure can be controlled by electronic devices and for them to work correctly it is very important to closely follow the instructions.

- Prohibition from communicating with you or your family by any means: This consists of forbidding the alleged aggressor from establishing any kind of written, verbal or visual contact with you, your children or any of your family members as determined in the judicial decision. This means he cannot call you by telephone, nor send you SMS or emails or letters. Nor can he send your message via other people.

- Removal of the alleged aggressor from the family home: This consists of forbidding him from entering and using the common home.

- Confiscation of weapons or other dangerous objects: This consists of taking away his weapons licence so that he cannot use any, or confiscation of weapons in his possession.

Measures of a civil nature must be expressly requested by you or your lawyer, although if children who are minors or disabled are involved they may also be requested by the Public Prosecutor. They can be the following:

- Assignment of use and enjoyment of the family home: In favour of you and your children regarding the family home and its household items, excluding any other residences you may have.

- Establishment or suspension of the rules governing custody, visits, communication or stays with your children: You can request that visits to common children be suspended or done via a Family Meeting Point (Punto de Encuentro Familiar), which guarantees at

all times the safety and higher interest of the minors.

- Determination of child support payments: Determination of child support payments may also include the victim and non-independent adult children, as well as guarantees and the respective payment schedule. Child support is understood to cover not just food, but also everything indispensable for sustenance, housing, clothes, medical assistance and educational costs.

- Any other protection measure to safeguard your children from danger or harm.

IMPORTANT: Civil measures are valid for 30 days. If during that time you apply for separation or divorce, those measures will remain in place during the 30 days after that application was submitted. During this period the measures can be ratified, changed or annulled by the Court. If on the contrary you do not file suit for separation or divorce, the civil measures will no longer be effective and you will return to your previous situation. Your lawyer will advise you about everything you need in this respect.

What is mobile remote assistance?

As a victim of gender violence you can request Mobile Remote Assistance (Servicio de Teleasistencia Móvil) via the social services of your City/Town Hall (Ayuntamiento) or Provincial Council (Diputación Provincial).

The social services of your town/city hall will accept your application and once it is proven that the protection order is still in force will be responsible for ordering your registration in the service, and you will be informed of this.

The company or respective entity must enrol users of the service no more than seven days after the registration order is received, unless it is an emergency, for which the deadline is 48 hours.

This is a free service that offers you immediate and remote care and attention 24 hours a day 365 days a year, no matter where you are located.

During emergency situations this system will enable you to get in touch with the assistance centre, which has personnel trained to provide the right response either themselves or by mobilising other resources. This service coexists with work carried out by the Units for Prevention, Assistance and Protection (UPAP – Unidades de Prevención, Asistencia y Protección) against Abuse of Women

pertaining to the National Police and other local police forces. These units will periodically get in touch with you to monitor compliance with the protection measures and control possible risk situations for you and your family, accompanying you when necessary to deal with judicial procedures in coordination with other assistance services.

The extension of this service can exceptionally be requested by women who do not have a protection order or stay-away injunction in force, because it either expired or was not approved in the court case or because the complaint has not yet been filed. This last case should be authorised beforehand by the respective social or equality services.

IMPORTANT: If the Judge decides that there is an extreme risk for you, compliance with the protection order can also be controlled by making the aggressor wear an electronic bracelet. In this case the Control Centre will deliver a device to your home or to the closest police station, explaining to you how it works and how to maintain it. The bracelet will be placed on the aggressor in Court.

REMEMBER: If the aggressor gets close to you or comes within the exclusion zone, or when you push the alarm button, the Control Centre will alert the police, who will get in touch with you immediately to find out how you are and where you are, activating the police units necessary to safeguard your protection.

What happens if the alleged aggressor doesn't comply with the protection order?

If you find out that the aggressor is not obeying the measures set down in the protection order, report this to the Police or to the Civil Guard, who will arrest him and place him at the courts' disposal to respond for violating the precautionary measure, an offence punished by from six months to a year in prison. You can also report this to the Court or the Public Prosecutor.

During the judicial process, if your safety risk situation changes the Judge may replace one or another measure included in the protection order. The Court will always inform you of any such decision or procedural act that might affect your security.

The Police or Civil Guard are also informed of the protection order, so that they can monitor it and guarantee compliance.

If the circumstances of your relationship with the aggressor change (for example, if you start living together again), then you must ask the Court to lift the protection order. But until the Court agrees and issues the respective notification, it will not be effective and the aggressor will therefore be held responsible for the punishable offence of violating that measure.

It is important for you to realise that even though you have requested that the protection order be lifted, the Judge may decide to keep it in place if he or she considers that the objective risk situation for you and/or your children continues.

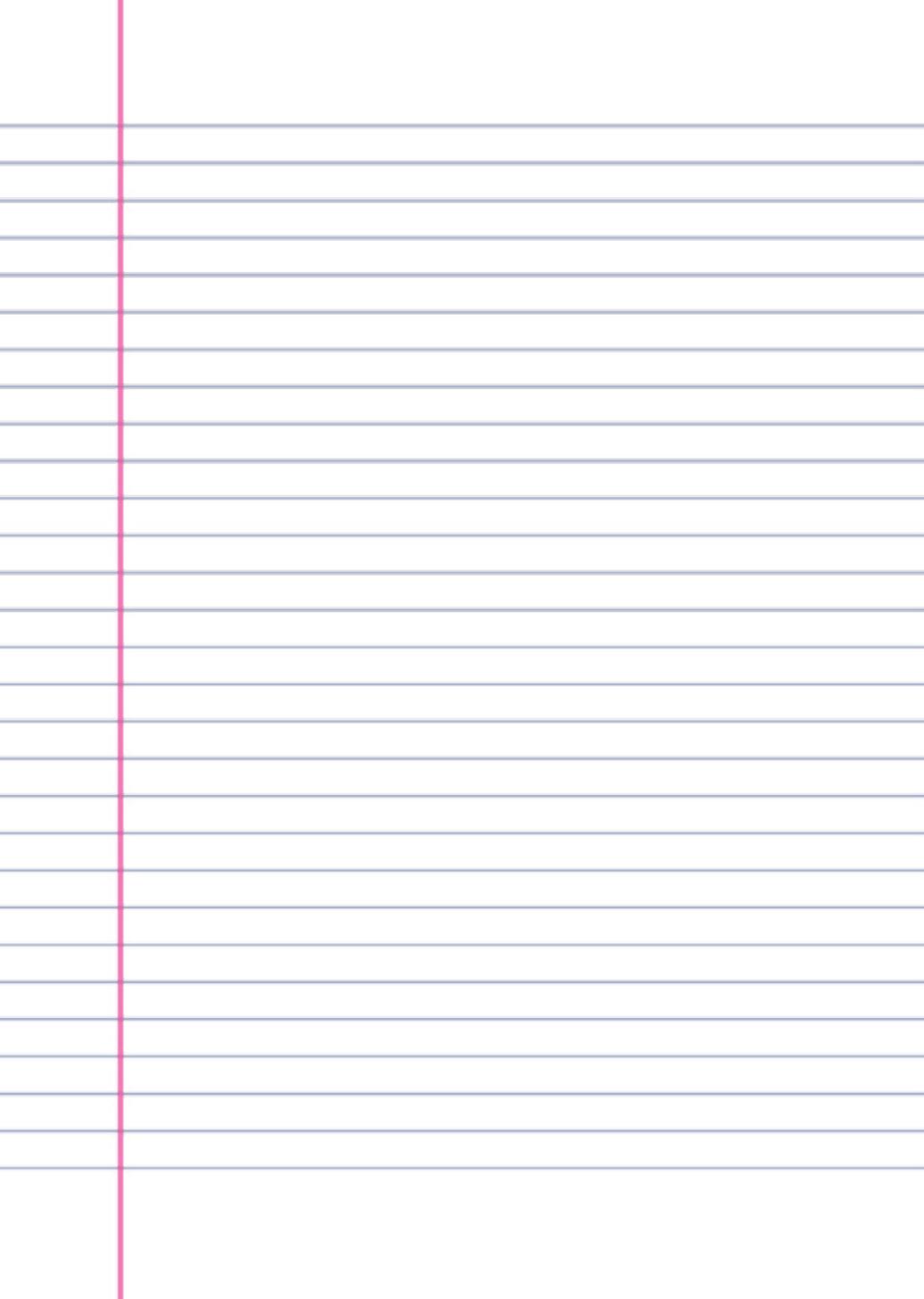
IMPORTANT: When the protection order is approved, the Coordination Point of the Department of Justice and Interior will notify the Assistance Service for Victims in Andalusia (SAVA) and the Andalusian Institute for Women's Affairs centre in your province, who will get in touch with you to offer any social protection and assistance that you may require.

What are your social rights if you have a protection order?

If a protection order is issued in your favour, you are thus accredited as being a victim of gender violence until a sentence is handed down in court. This allows you access to the respective benefits and economic aid. You can find out about them at the Assistance Service for Victims in Andalusia (SAVA) or via the provincial centres of the Andalusian Institute for Women's Affairs (IAM).

IMPORTANT: You also have the right for your children to be admitted immediately to school if you have to change your place of residence, and have priority access to protected homes and public residences for adults.





YOUR LAWYER

If you are a victim of gender violence you have the right to free, specialised and immediate legal assistance in all judicial processes deriving from the gender violence you have suffered. You can also hire a lawyer of your choice, if you so decide.

If you don't have a lawyer (abogado/a) you can apply for an ex officio duty lawyer specialising in gender violence to be appointed from your province's Bar Association (Colegio de Abogados). These lawyers are specially trained to provide you with an effective defence appropriate for your situation.

If you hire a lawyer of your choice make sure that he or she has specific training and experience in defending victims of gender violence and find out beforehand about his or her fees and those of the respective court representative (procurador).

Your lawyer will be responsible for:

- Helping you legally in the criminal and civil cases you are involved in (separation, divorce, guardianship and custody of common children or child support claims).
- Keeping you informed at all times about the progress of the court case.

- Clearing up any doubts you have.
- Accompanying you when summoned to the Court.

Also, via your lawyer along with the court representative you can exercise the so-called private prosecution, meaning that:

- You can request that your aggressor be condemned.
- You can submit evidence and intervene in the examination of same.
- File appeals as appropriate if you do not agree with the respective resolutions.
- Apply for an indemnity for injuries or damage suffered.

Your lawyer's intervention in the criminal case in your name is not to defend you, for you are not the accused person, but to undertake in your name the private prosecution, if you so decide. Presenting a private prosecution allows you to

intervene in the case via your lawyer; otherwise the Public Prosecutor will be solely responsible for the accusation and you will only intervene as a witness.

IMPORTANT: Your personal involvement as private prosecution allows you to actively intervene in the case via your lawyer, requesting that all necessary evidence be examined, and to receive notification of resolutions dictated by the Court. Above all you will have the right to appeal the sentence if you do not agree with it.

Do you have to pay your ex officio duty lawyer?

Regardless of whether you have the economic resources to hire your lawyer, you have the right to free legal assistance in court cases involving gender violence and this will remain free throughout the criminal proceeding or when it ends with a Court decision resulting in conviction.

This benefit is lost if a definitive decision to acquit is handed down or if the criminal proceeding is definitively shelved, although you will have no obligation to pay for the cost of the benefits received for free until that time. A definitive sentence or shelving (sentencia o resolución de archivo firme) means that it is no longer possible to appeal those decisions.

What does the right to free legal assistance mean?

The right to free legal assistance encompasses the following benefits:

- Free advice and guidance from your lawyer before the court case.
- Free defence and representation by lawyer and court representative during judicial proceedings.
- Exemption from payment of deposits to file appeals.

- Free assistance by professionals who intervene in the case, such as, for example, experts who attest to the circumstances and effects of the gender violence.
- Free acquisition of copies, testimony and notary acts.
- Free placement of announcements or edicts in official journals.

Where can you apply for your ex officio duty lawyer?

You can apply for an ex officio duty lawyer (abogado del turno de oficio) at the Legal Guidance Services (Servicios de Orientación Jurídica) of the respective Court's Bar Association.

REMEMBER: To prevent risks or unnecessary trips, the Assistance Service for Victims in Andalusia (SAVA) and the Andalusian Institute for Women's Affairs centres can take care of all the procedures required to submit your application for free justice to the Legal Guidance Services.

Can you choose your duty lawyer?

If you are a victim of gender violence and apply for a duty lawyer, you have the right to choose the one you want from among those registered in the specialised group for gender violence.

You can make this free choice only once for all cases derived from the same act of violence, among professionals from the group that specialises in gender violence, and must indicate the express acceptance of the attorney you want to choose.

Can you change your duty lawyer?

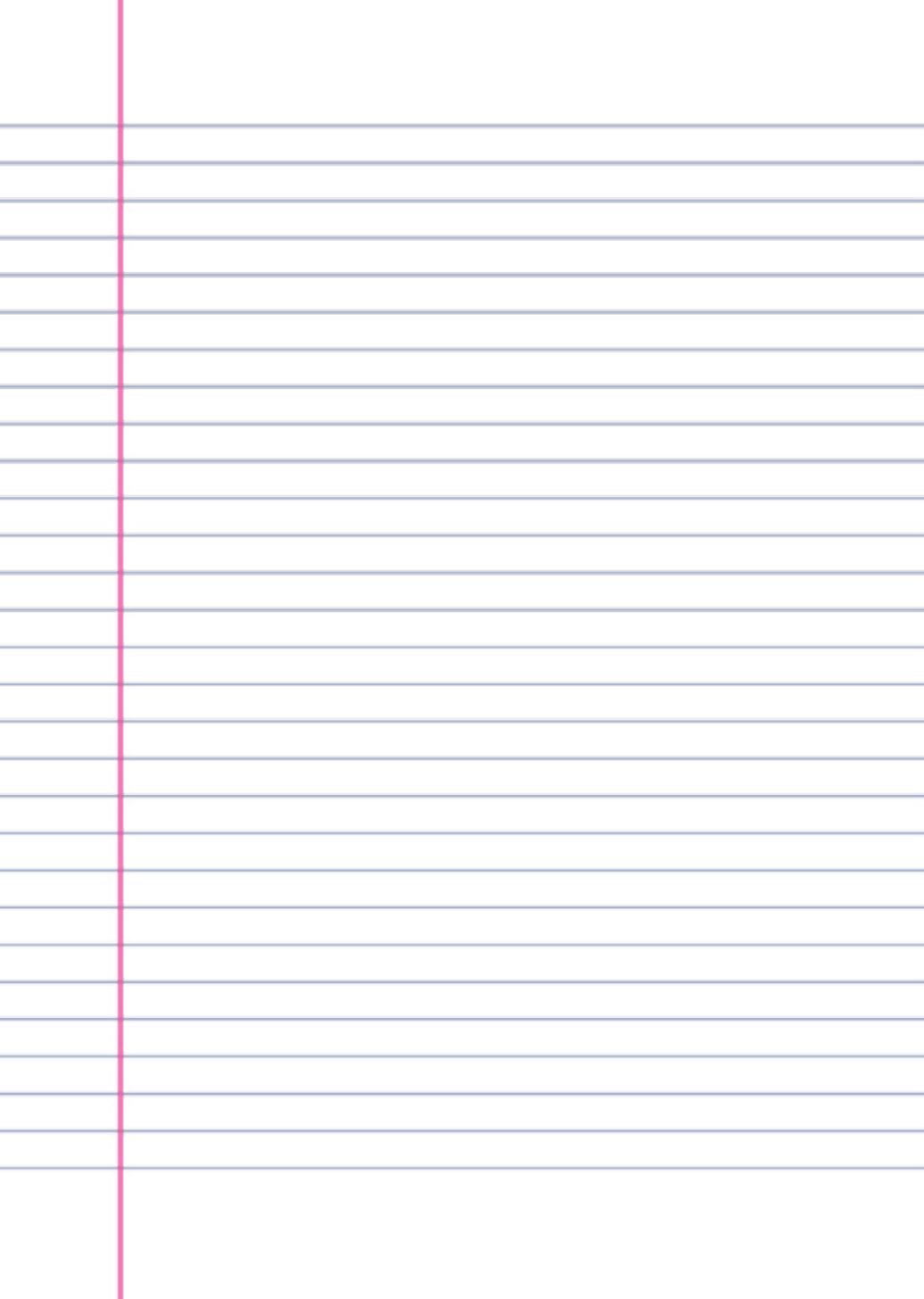
You can also request the designation of another lawyer if you are not happy with the counsel of the one assigned to you, so long as you do this before the effective procedural action under consideration. If the Bar Association agrees, they will appoint another duty lawyer who specialises in gender violence.

IMPORTANT: Whether your lawyer is a duty lawyer or one of your choice, he or she should clear up any doubts you have and inform you about what the grievance he or she will direct consists of, its phases and the Court's decisions. You should be kept up to date about all incidents that might happen and be provided, when you so desire, with a photocopy of written material prepared on your behalf and those submitted by your adversary in the proceeding.

If you hire a lawyer of your choice, make sure he or she has specialised training and experience defending gender violence victims and family law, and find out beforehand about the cost of his or her fees and those of the court representative.

Light-filled blue





THE COURT CASE

Once the formal complaint, police report or injury report arrive at the Court, the court case begins. This may seem somewhat complex to you, but its procedures follow a number of fixed rules that guarantee your rights and also those of the alleged aggressor.

During the court case all actions needed to make clear what actually happened will be taken, and if after evaluating all the examined evidence the Judge decides that the alleged offender has committed a crime or misdemeanour, he or she will dictate a judgment resulting in conviction, imposing the corresponding punishment.

It is important to differentiate between a criminal case stemming from a crime or misdemeanour of gender violence and the civil case leading to a divorce or separation from your partner in a relationship.

THE CRIMINAL COURT CASE

This judicial procedure is only pertinent if a crime or misdemeanour might have been committed, although the alleged aggressor's civil responsibility may also be determined (indemnities for damage).

ACTION: Will be ex officio. That way even if the victim does not present herself as private prosecution or withdraws the complaint, the procedure continues, for the action is undertaken by the Public Prosecutor's Office.

RESOLUTION: The case finishes with a conviction (when the crime or misdemeanour is proven) that imposes a sentence (deprivation of freedom, community service, prohibition from approaching the victim or certain places, prohibition from communicating with the victim, fine, among others), or an acquittal (when a crime or misdemeanour is considered not to have been committed) because it could not be demonstrated.

The sentence handed down in a criminal case does not resolve questions such as the schedule of visits or alimony and child support, etc.

THE CIVIL COURT CASE

These are family-related cases (separation, divorce, definitive civil measures in case of children outside of matrimony).

ACTION: Will be by one of the parties. That way the interested person must instigate each phase of the case and the intervention of a lawyer and court representative is necessary.

RESOLUTION: The case finishes with a sentence that can be in favour (when the plaintiff is considered to be entirely right) or partially in favour (when the plaintiff is considered to be partly right). In family proceedings the judgment is usually never dismissal because the main petition, which is usually for divorce or separation, is always granted per the requirements of civil legislation, even if one of the spouses is against it. This sentence will resolve civil questions such as alimony and child support, assignment of use of the family home and the schedule of visits, etc.

Criminal court cases comprise three phases:

Pre-trial or investigation phase (Instrucción):

In this phase various actions are taken to prepare for the trial and obtain evidence attesting to the denounced facts and who committed them. This enables the trial phase to begin or leads to the case being shelved when no proof is found regarding the denounced facts.

Intermediate phase: Based on proof obtained during the pre-trial phase, a decision is made whether to continue with a trial regarding what happened or to end (dismiss or shelve) the court case because there is not enough evidence attesting to the commission of a crime or misdemeanour.

Trial or oral proceeding phase: In this phase both the accusation and the defence will put forward their arguments. In the oral trial proceedings the evidence proposed by the two parties will be examined. This phase ends with the judgment handed down by the Judge.

REMEMBER: During the court case the Assistance Service for Victims in Andalusia (SAVA) and your lawyer will keep you informed about each of the phases and the actions to take. They are professionals who specialise in such matters and who know how to deal with any issues that arise. Use them whenever you feel the need!

What kinds of trial are held for gender violence?

- Trials for misdemeanours

This kind of procedure is meant to judge actions considered to be less serious from a legal standpoint (misdemeanours), such as insults or light humiliation.

Misdemeanour trials are processed quickly and simply. You and the alleged aggressor will be summoned to declare before the Court. During

the trial all proposed evidence will be examined and both of you will be allowed to speak to appropriately support your interests. The Judge will then dictate the judgment and will also be responsible for implementing it.

For misdemeanours, besides the main sentence imposed (never deprivation of freedom) it is not mandatory for the sentence to impose an obligation to keep distant and not communicate, although this can be done if so requested and if the Judge deems this appropriate; this penalty can then last for a maximum of six months.

IMPORTANT: In such trials the intervention of a lawyer or court representative is not required but is always advisable.

REMEMBER: If you do not agree with the ruling, you can appeal it, informing your lawyer (if you already have one) of your decision. If you do not yet have one, tell the Court so that it can suspend the deadline for appealing the sentence until your *ex officio* duty lawyer is appointed or you designate one yourself.

- Trials for crimes

If the fact constitutes a crime, the law also envisaged different procedures:

- Fast trial
- Summary proceeding
- Abbreviated proceeding

Of these, the one most frequently used to investigate and try gender violence is the fast trial, which is processed simply and quickly.

In these trials the Judicial Police play a vital role, for the case must unavoidably be initiated by a police report and the alleged aggressor must either be detained or summoned to appear before the Court, and also if any of the following situations occur:

- Flagrant crimes are involved.
- The crimes involved are classified in the Criminal Code as being domestic and gender violence.

- Investigation of the act in question is presumably simple.

If these requisites are not present you may face what is known as a **Summary Proceeding**, envisaged for crimes punished by a prison sentence of more than 9 years, or an **Abbreviated Proceeding** if the respective sentence is for less than 9 years. The latter involves a simpler process and takes less time the Summary Trial.

REMEMBER: No matter what kind of proceeding is eventually applied to investigate and judge crimes involving gender violence, we advise you to request the assistance of a lawyer and court representative to ensure that all your rights and interests are correctly defended.

Who intervenes in the court case?

The professionals who intervene in the trial process and the roles they play are the following:

Judge: This is the person charged with applying the law to resolve disputes that arise between parties. The judge is independent and acts only according to rule of Law;

Court Clerk: Provides collaboration and technical assistance so that the Judge can carry out his or her duties. Is empowered as an authority in the case and publicly attests, intervening in most case actions, directing the proceeding under the Judge's supervision;

Public Prosecutor: This is the person charged with instigating the action of justice to defend legality, citizens' rights and the public interest safeguarded by the Law. In the criminal sphere, this person can request the protection order and provisional arrest for

your aggressor, drawing up charges against him if he or she deems there is sufficient evidence.

He or she will also intervene to defend the interests of minors or the disabled in cases involving gender violence;

Lawyer: This is the person with a law degree whose role is to provide advice and legal counsel and to defend the interests of each side in the case (Prosecuting Attorney and Defence Attorney);

Court Representative: This is your representative before the Court and his or her function is to follow all stages of the case and keep you and your lawyer informed of them. Is also responsible for receiving and signing all court notifications and citations;

Forensic Doctor: This is the medical professional who works for the Court and his

or her function is to evaluate your state of health, ascertain the cause of your injuries and undertake follow-up to determine the scope of any sequels. Can propose to the Judge that your case be evaluated by the Comprehensive Gender Violence Evaluation Unit (UVIVG);

UVIVG: This is the Comprehensive Gender Violence Evaluation Unit (Unidad de Valoración Integral de la Violencia de Género), which works for the Court and comprises forensic medical personnel, psychologists and social workers. They are in charge of drawing up comprehensive reports that evaluate the effects of the physical, psychic and sexual violence you have suffered, the effects of exposure to violence and aggressions suffered by you and your children, as well as the incidence, objective danger and risk of repeating of your aggressor.

What rights to you have during the court case?

When you appear for the first time before the Judge, you will be informed of the following rights:

- **Right to be the accusing party in the court case**, for which a lawyer (abogado) should be named to defend your interests and a court representative (procurador) to represent you.
- **Right to restitution of things removed or appropriated**, repair for the damage and indemnity for harm caused.
- **Right to receive information about judicial actions** and to be informed about the place and date when the trial will be held.
- **Right to be personally notified of the Judge's ruling** whereby the proceeding is shelved.
- **Right to request protection measures** to guarantee your safety, dignity and privacy during the proceeding;

- Right to be informed of any resolution that may affect your security.

- Right to access economic aid envisaged for victims of crimes that are violent or against sexual freedom and those regulated in the Organic Law on Comprehensive Protection Measures against Gender Violence.

Where is the oral trial proceeding held?

The oral trial proceeding will be held in the Courtroom (Sala de Vistas) pertaining to the Court.

The Court will inform you by citation of the place, date and time when it will be held.

To avoid any incident or unexpected occurrence, it is advisable to arrive sufficient time beforehand.

At the indicated time, Court personnel will call you by your name and surnames, will request your ID card to prove your identity and then accompany you to the Courtroom.

IMPORTANT: If you have been granted a protection order and are enrolled in the monitoring and vigilance programme of the law enforcement agencies, you can ask officers to accompany you to the Court.

REMEMBER: You can also contact the Assistance Service for Victims in Andalusia (SAVA) to request accompaniment during the trial. Their help and assistance during your period in Court will help you feel calmer and safer. Before the trial they can also help you deal with the stressful situation that might result.

What is a courtroom like?

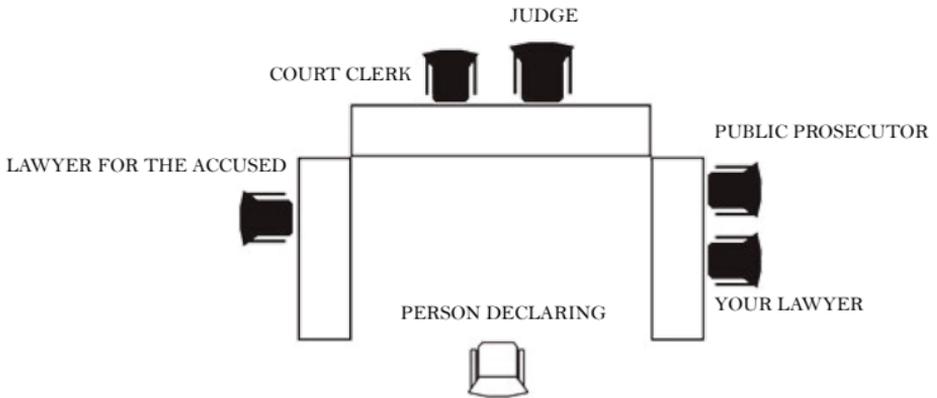
In the central tribune sits the Judge who oversees the development of all trial proceedings. Beside him or her sits the Court Clerk, although his or her presence is not necessary because the trial is recorded.

In the left tribune sits the Public Prosecutor, responsible for prosecution of the case.

Next to the Public Prosecutor, if you have opted for private prosecution, your lawyer will also be sitting.

In the right tribune will sit the lawyer who defends the alleged aggressor.

Courtroom arrangement



REMEMBER: Everything that happens in the trial is recorded with video cameras from the moment the oral proceeding begins and whenever the Judge so orders.

The oral trial proceeding

Both parties (accusation and defence) attend the Oral Trial Proceeding (Juicio Oral) and during this process all evidence will be examined so that the Judge can make the appropriate decision under law in the form of a judgment.

It is important to bear the following in mind:

- Everyone summoned to appear before an Oral Trial Proceeding must appear. If they do not, the Judge can sanction them with a fine and as a last resort can ask law enforcement agencies to seek the person summoned. If the accused does not appear and has been summoned in compliance with

the law, the trial can be held in his absence if the punishment requested by the prosecution is less than two years in prison.

- Before beginning to examine evidence in the trial the lawyers can speak with the Public Prosecutor and reach an agreement. This means that the accused recognises the facts. In this case, the evidence is not examined and a consented judgment is dictated if the Judge considers correct the description of the facts and the corresponding punishment.

- If you want to formulate your own private prosecution, your lawyer will do the necessary work to ensure the legal defence of your interests.

- If you do not want to present a private prosecution against your aggressor, you will attend the trial with the status of a witness and will enter the courtroom only when called. In the meantime you will wait

outside along with the other witnesses, if any. In this case the Judge will take your oath or promise to speak the truth, warning you that if not you will be committing a crime of false testimony, and you will next be questioned, first by the Public Prosecutor, then by your lawyer and finally by the defence lawyer of the accused. You cannot speak at any other time. When you finish you must remain in the room or leave, but once outside you cannot communicate with other witnesses.

Phases of the oral trial proceeding

The Oral Trial Proceeding phases are the following:

PHASE 1. Awareness of the facts: The trial begins when the Judge asks the accused if he is aware of the facts for which he is accused and if he agrees with the punishment. If he says yes, then a

consented judgment is dictated if the description of the facts and resulting punishment is deemed correct, and the trial ends.

PHASE 2. Examination of the evidence: If the accused says no, the examination of evidence begins. The first evidence is the declaration from the accused himself. First the Public Prosecutor questions, then the Private Prosecution (if your lawyer is acting as such on your behalf), and finally the defence of the accused. The Judge can ask questions whenever he or she desires.

PHASE 3. Declarations of the witnesses: Next are declarations made by the prosecution witnesses. Normally you will be the first witness as victim and will remain outside the courtroom until that time. The order of the questioning is the same – first the Public Prosecutor, then your lawyer and then the defence of the accused. If there are defence witnesses they come next and the order of questions is reversed: first the defence lawyer, then the Public Prosecutor and finally your lawyer. If there are more declarations, for example by experts

(such as health personnel or psychologists) the questioning begins on the side that put forward the respective evidence.

The witness cannot refuse to declare and if he or she does this can be sanctioned by a fine. If he or she continues to refuse, this may be considered an offence of disobedience.

The Law acknowledges the right to not declare against the aggressor with whom you have or previously have been joined in matrimony or in a relationship similar to marriage, whenever you have not opted to exercise private prosecution or when the facts occurred after the dissolution of the marriage or the definitive end of that similar relationship.

PHASE 4. Conclusions: After the evidence come the conclusions. In this phase and in light of the evidence examined, the previously formulated arguments are confirmed or modified and a specific punishment is sought for the person charged or his acquittal.

PHASE 5. End of the trial: The trial ends when the Judge passes the word to the accused so that he can, if he so desires, add to what was said by his lawyer. This right of the ‘last word’ only pertains to the accused, not the victim. The trial is now ready for judgment.

IMPORTANT: Your declaration during the trial is vital and decisive evidence attesting before the Judge the gender violence you have suffered.

For you to feel calmer when you have to testify, before the trial you can ask the Judge for a screen or divider to be installed in the Courtroom so you don’t have to see the accused, or you can ask to testify via videoconference. You can also request this via the SAVA.

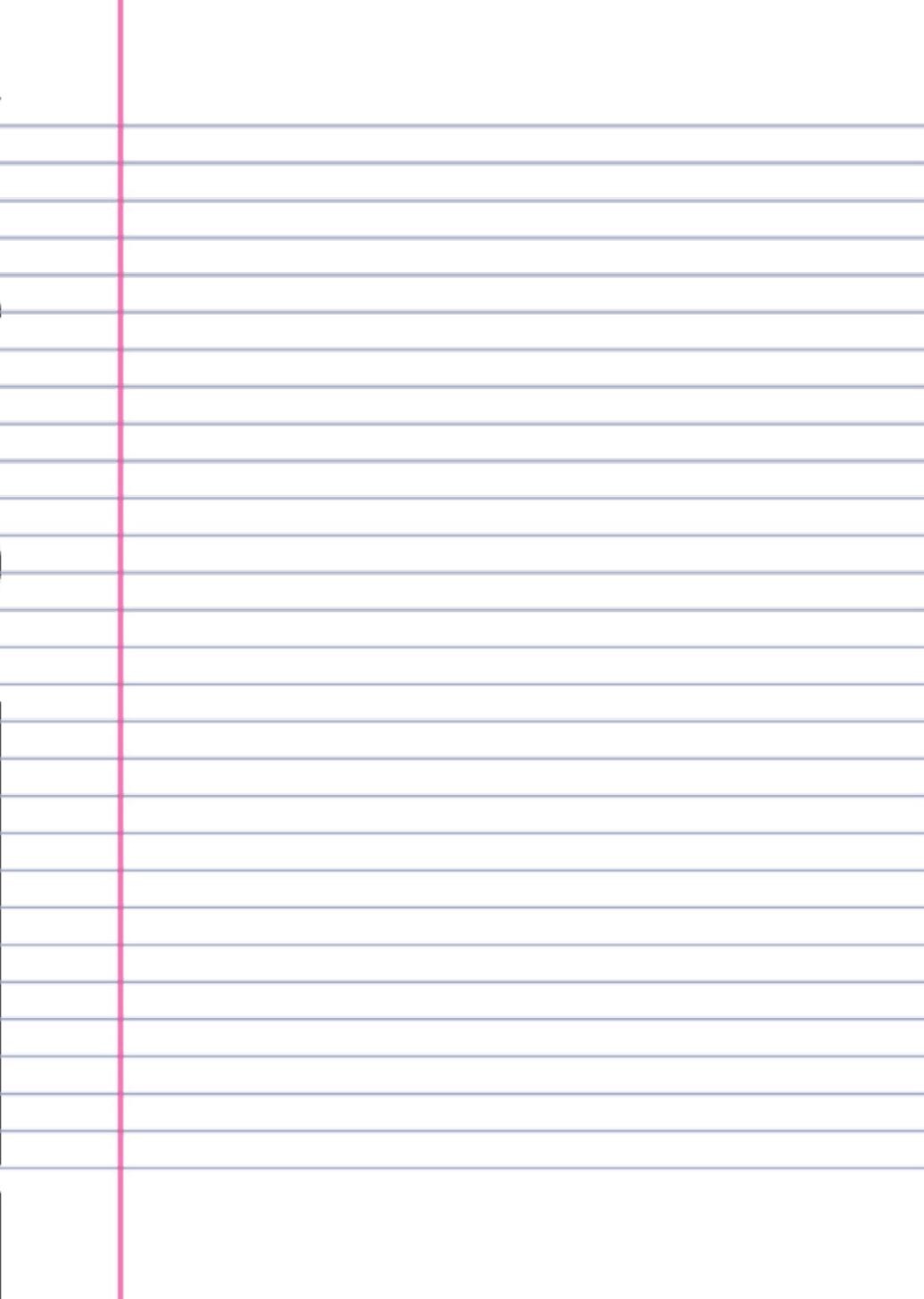
REMEMBER: Do not hesitate to ask at any given moment the meaning of legal terms or questions you are asked if you don't understand them. Try to be concise and direct when speaking about all the circumstances of abuse that you suffered.

To help you recount the facts you can use a list that you have composed about the important facts you want to remember.

To guarantee the protection of your privacy and that of your children, the Judge may agree for the testimony to be heard behind closed doors and that the proceedings be restricted.

Self-confident white





**THE TRIAL HAS BEEN HELD.
WHAT NOW?**

Once the trial has been held, after weighing the evidence the Judge will dictate a judgment that either condemns or acquits. You will be personally notified of this ruling.

The judgment will be rule that the person charged is guilty if the Judge considers that he is proven to be responsible for committing the offence. In this case the punishment and indemnities corresponding to the damage and harm caused to you will be imposed.

If the Judge considers that his responsibility has not been proven, then the sentence will absolve him. This acquittal does not mean that the original complaint was false, but rather that he could not be proven responsible for committing the crime or misdemeanour. This is because the presumption of innocence always prevails.

Either of the sides in the proceeding who do not agree with the sentence as dictated can appeal it. And if a protection order exists the respective punishment measures will remain in force during the appeal process, whenever keeping them is so indicated in the judgment.

IMPORTANT: You can only appeal the judgment before a higher court if you have exercised the private prosecution and for that you need a lawyer and court representative.

REMEMBER: The deadlines and requirements for appealing a judgment are different depending on the kind of proceeding followed. If you decide to appeal, talk to your lawyer so that he or she can handle all the procedures necessary to ensure that the appeal is filed correctly and in time.

What is a consented judgment (sentencia de conformidad)?

This is a guilty judgment that happens when the person charged acknowledges the facts and agrees with the penalties sought by the Public Prosecutor. In this case you will not have to declare and the person charged will be convicted, with the respective punishments reduced by one

third. He will also be prohibited from approaching or communicating with you and/or your family.

What sentence can the judgment impose on the person charged?

After evaluating the seriousness of the committed offence and its criminal responsibility, the Judge can impose on the aggressor a prison sentence, community service, deprivation of the right to bear arms or inability to exercise parental responsibility, tutelage, custody, guardianship or home care, when such is deemed appropriate for the interest of the minors.

And if the aggressor is found guilty of a misdemeanour, the Judge can impose the obligation of permanent localisation at a domicile different and distant from yours or community service.

Along with the main sentence the person convicted can be subject to other accessory punishments adjusted to guarantee your security and that of your family. The accessory punishments are,

among others, the prohibition on living in certain places or visiting them, the prohibition from approaching or communicating with you, your family or other people.

If the person charged has been convicted and given a prison sentence, will he go to prison in any case?

If the sentence is for not more than two years and if it is the imputed person's first offence, the Judge may suspend compliance with the prison sentence on condition that the aggressor does not commit any offence during a period of time set by the Judge. The prison sentence can also be substituted by other punishments, such as, for example, community service for a given period of time.

During the period when the prison sentence is suspended or substituted, the person found guilty cannot commit any other offence and must also fulfil the following obligations and duties to guarantee

your security and that of your family:

- Cannot go to certain places.
- Cannot approach you or those family members or other persons as determined, nor communicate with any of you.
- Must participate in specific re-education programmes and psychological treatment and/or in training, labour-related, cultural or educational programmes or the like, as offered.

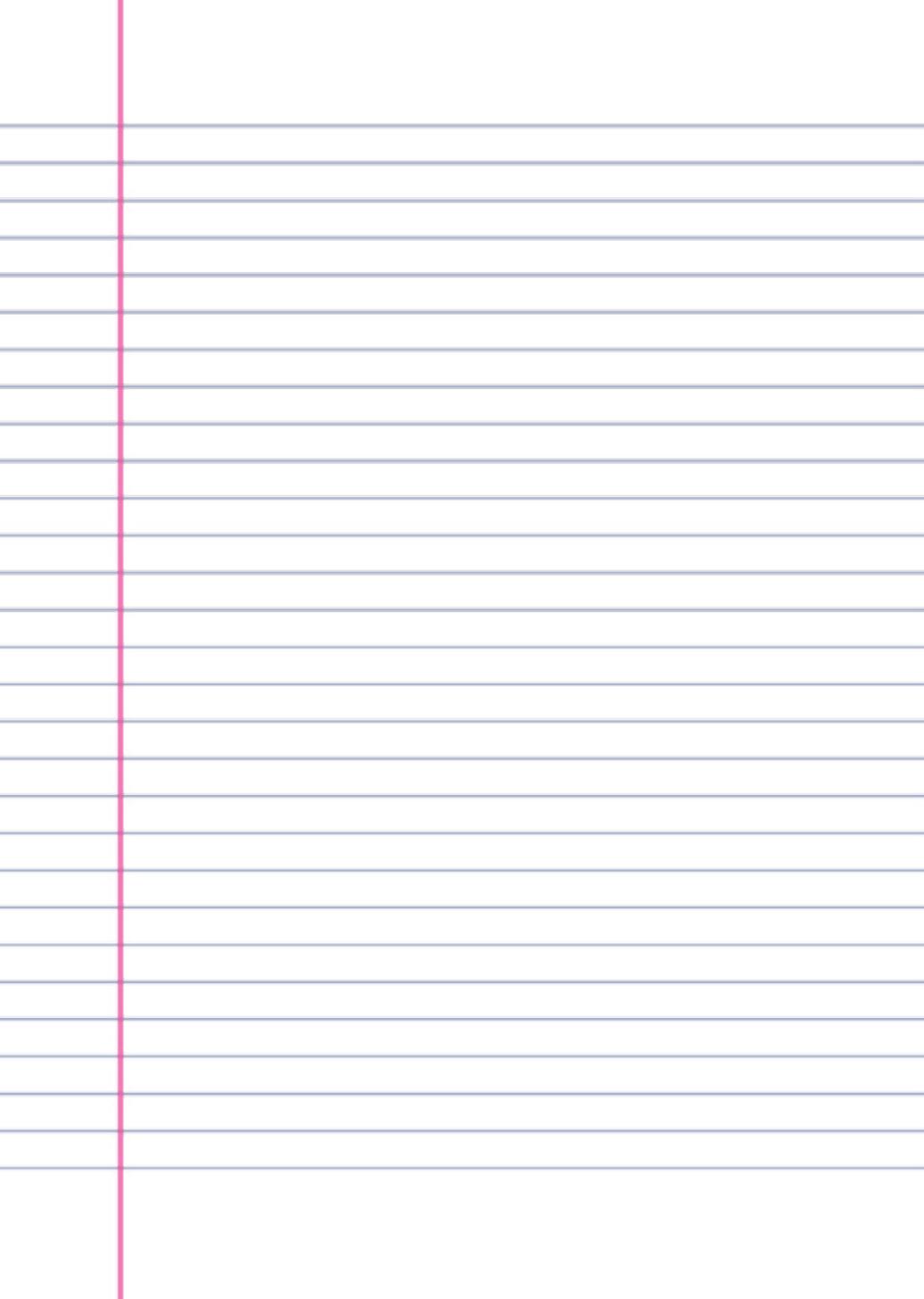
If the condemned person fails to comply with any of those duties or obligations, the Judge will annul the suspension or substitution of the sentence depriving him of his freedom and will order that he go to prison to fulfil it.

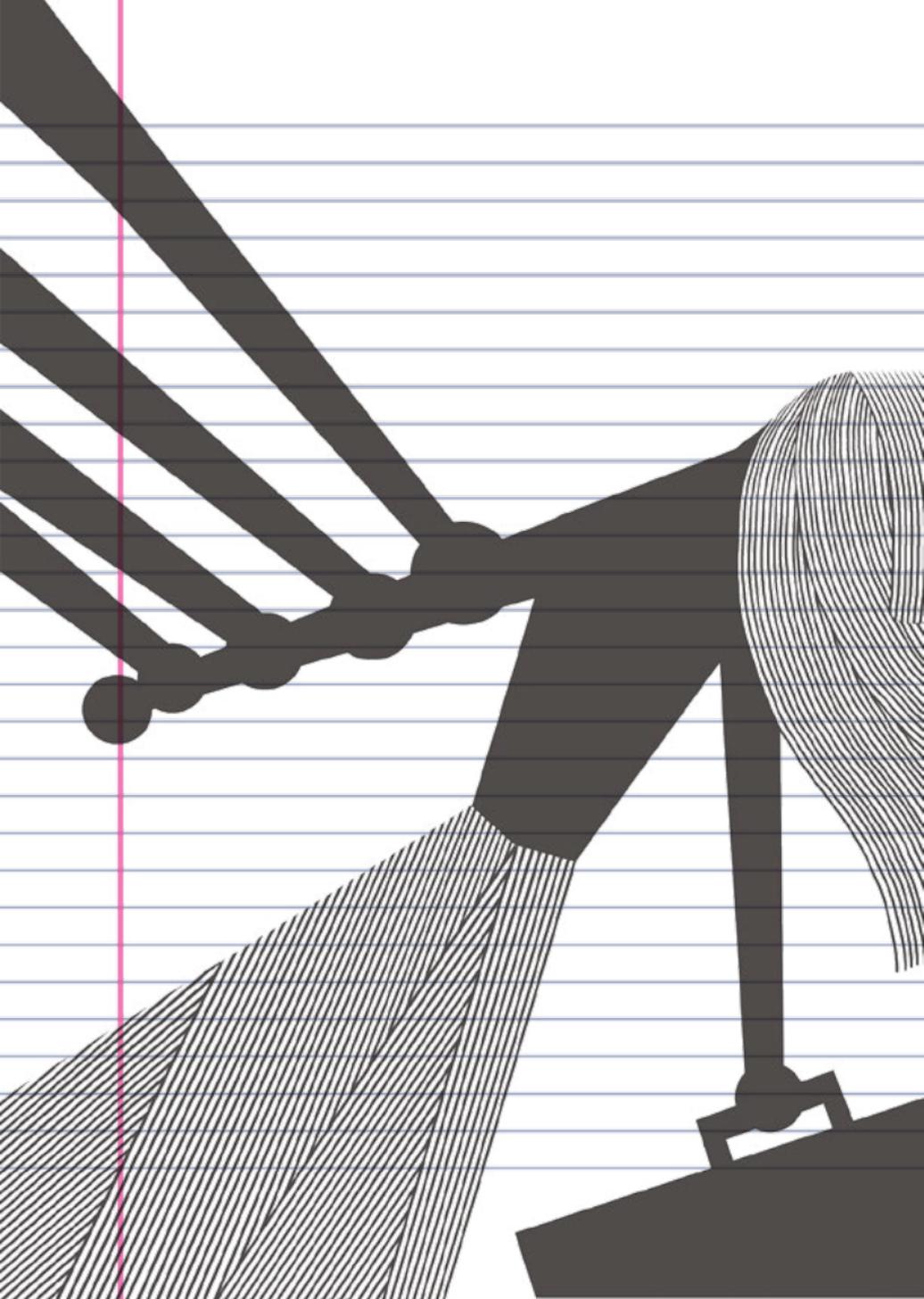
Once the sentence is final and binding, if the convicted person has to go to prison he will submit to the penitentiary system established by law. Within that system the Penitentiary Administration

implements specific programmes for people found guilty of gender violence. The aim is for them to learn to assume their responsibility and to change their sexist stereotypes, helping them end their violent conduct and avoid repeating it.

IMPORTANT: Each time the person convicted leaves prison, for any circumstance, you will have the right to be informed of that situation by the Penitentiary Centre where he is admitted.

Brave yellow





**WHAT HAPPENS NOW WITH YOUR
FAMILY SITUATION?**

In most cases, the complaint leads to the end of your relationship with the aggressor, if this didn't happen beforehand. If you are married to him or are registered as his unmarried partner or you have common children, this break-up has legal consequences regarding both common property and your children.

To put those affairs in order you should initiate before the Court a civil court case. This process begins when you file suit for separation or divorce or whatever in your case is deemed appropriate.

In all such trials, known as family proceedings, the Judge will decide regarding:

- The parental responsibility (*patria potestad*) over your children who are minors.
- Guardianship and custody of your children who are minors.
- The schedule of visits and vacations of your children who are minors.
- Child support for your children who are minors and those who are adults but have not yet achieved economic independence, as well as compensatory alimony for you, when appropriate.
- Use and enjoyment of the family home.

If you previously had a protection order with civil measures where decisions had already been made about these issues, remember that those measures are only maintained for 30 days and in order for them to remain valid it is very important for you

to file the civil suit during that period, asking for them to be confirmed or otherwise for other more appropriate ones to be established.

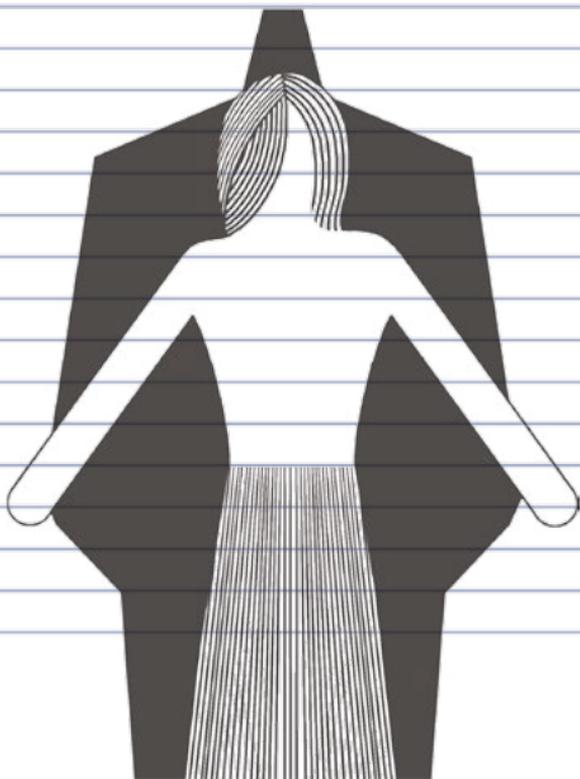
In any case, in all family-related proceedings you should be advised by a lawyer, either one of your choice or a designated ex officio duty lawyer who specialises in gender violence.

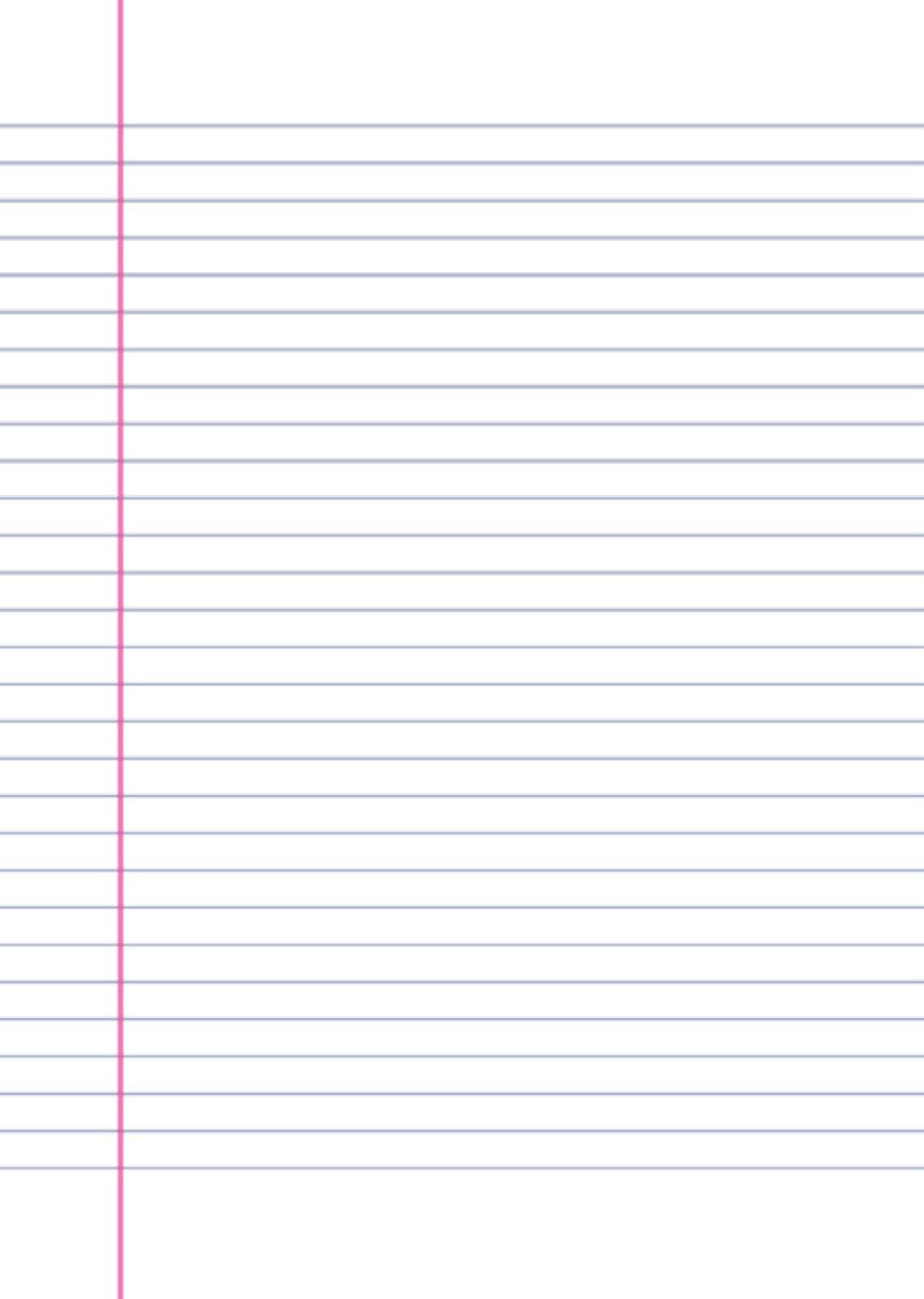
IMPORTANT: If you already have an ex officio duty lawyer who specialises in gender violence for the criminal proceeding, he or she will also take charge of your defence in the family proceeding that you will initiate, as will your court representative.

REMEMBER:

- **The Court for Violence against Women will be responsible for knowing about the family proceeding you are going to initiate, even if you have not been granted a protection order and no criminal proceedings are under way against him.**
- **In accredited cases of gender violence, the Court can never agree to shared guardianship and custody of your children who are minors.**
- **You should consider asking for suspension or restriction of the visiting schedule for the person who mistreated your children who are minors and when necessary request the intervention of a Family Meeting Point to protect your interests.**
- **Family mediation in cases where one or another of the parties in a civil case is a victim of acts of gender violence is legally forbidden.**

Green full of life





FREQUENTLY ASKED QUESTIONS

If you file a complaint will they arrest your aggressor?

After the complaint has been submitted the law enforcement agencies may arrest the aggressor, to take his statement and then place him at the disposal of the Court, which will rule on whether he can stay free and approve protection measures for you when appropriate.

The Police or Civil Guard make every effort to ensure that the detention is carried out with the least possible damage for the arrested person. Sometimes they decide not to search for him but rather to summon him by telephone and they then arrest him at the police station. This is done to better respect his privacy.

The detention should only last the period of time strictly necessary to make the facts clear and in any case the arrested person must be placed at judicial disposal within 72 hours from the time of arrest.

Your aggressor doesn't know your new residence. Can you request that this continue to be so?

The law guarantees the protection of your personal data, especially those associated to your residence or workplace, as well as those of your family and other people who live with you.

You can ask the Police or the Court to send you all communications via a third person you trust.

If the protection order assigns use and enjoyment of the family residence to the woman and the 30 mandatory days go by without the filing of a civil suit for separation and/or divorce, does the alleged aggressor commit a violation if he returns to the home after that period is over?

If an application for separation and/or divorce has not been filed within 30 days, the civil measures will no longer be valid and the aggressor would therefore commit no violation. However, the criminal measures adopted in the protection order remain in force until the judgment is decreed; if those measures include the alleged aggressor's exit from the family home or contain an order to keep distant and not communicate with the victim then a violation of that measure would indeed be committed.

What is the Family Meeting Point?

If you request civil measures in the protection order and/or in the civil court case you initiate to separate or divorce from your partner, if you have children who are minors the Judge may decide, or you can request, that the schedule of visits to your children by your partner or ex-partner should be done via a Family Meeting Point (PEF – Punto de Encuentro Familiar).

The PEF is a free public service meant to provide a neutral space offering multidisciplinary professional attention to guarantee the minors' fundamental right to have relations with their parents and family members when the paternal and maternal or family relationships are difficult and often very conflictive. The aim is to ensure that the visiting schedule can be fulfilled, with the higher interest of the minor always prevailing.

In Andalusia Family Meeting Points can be found in the capitals of the eight Andalusian provinces as well as in Algeciras and Marbella.

What are the Comprehensive Evaluation Units for Gender Violence (UVIVG)?

During the court case the Judge may decide that you should be evaluated by the Comprehensive Evaluation Units for Gender Violence (UVIVG – Unidades de Valoración Integral de la Violencia de Género), or the Public Prosecutor or your lawyer can request this in the court case.

These are specialised action units within the Legal Medicine Institutes which carry out a thorough evaluation of the gender violence that occurred, studying the victim, the aggressor and the minors exposed to the violence, which extends beyond physical or psychic aggression to also consider the roles and interactions of the persons involved, as well as the intensity and recurrence of the violence.

The medical/forensic evaluation often requires a complementary psychological evaluation of the victims as well as the preparation of social reports

on directly associated aspects, concerning either the violence or other judicially relevant questions.

The comprehensive approach orients the study both for the woman who is a victim of the violence and children exposed to the violent situation generated within the family relationship, and for the aggressor, especially with respect to his criminal dangerousness and risk of repetition.

What kind of proof can I provide if I'm suffering from psychological abuse?

Because this manifestation of abuse is hard to prove it is advisable to gather as many medical documents as you can (e.g. reports drawn up by psychologists or psychiatrists if you are being treated by them, etc). If you are being helped by professionals who specialise in gender violence or take part in individual or group therapies it is also important for you to show proof of that attendance.

Later, when the court proceeding has begun, those professionals should ratify their reports. Also relevant will be the report from the UVIVG or from the Psycho-Social Team associated to the Court if this is deemed appropriate.

Likewise significant will be testimony from those persons who may have witnessed situations constituting abuse (insults, violence, disparagement, humiliation, etc) so that they can testify about it in court. In this regard, it is a good idea to mention these persons in the initial complaint.

If there are voice or text messages from your aggressor sent to your mobile phone, report this to the Court so that it can order their transcription and so that additional information can be requested if necessary from the phone company.

What can I do if I'm a foreign woman in an irregular situation and a victim of gender violence?

If you are a foreigner and a victim of gender violence, even if you don't have legal residence in Spain you can file a complaint against your aggressor and ask for a protection order against him, request free legal assistance and receive the comprehensive social assistance you require. Ask for an interpreter if you do not understand or speak Spanish.

Also, if you request a protection order and from the time when it is granted by the Judge, or if the Public Prosecutor otherwise issues a report indicating the existence of signs of gender violence, you can ask for a residence and work authorisation due to exceptional circumstances.

At the time you submit your request or at any other time afterward throughout the criminal proceedings you can therefore request

authorisation for residence due to exceptional circumstances for your children who are minors or disabled, or authorisation for residence and work if your children are older than 16 years and are in Spain when you file the complaint. Processing of applications submitted under this article is given preference.

If you have a protection order in your favour or a report from the Public Prosecutor which considers the existence of signs of gender violence, once you have applied for a temporary residence and work permit, the respective Delegate or Sub-delegate of the Government will grant you *ex officio* a provisional residence and work permit and, if appropriate, provisional residence or residence and work permits for your children who are minors or disabled or who are unable to objectively provide for their needs.

This temporary authorisation allows the possibility of working for others or on your own, in any occupation, activity sector or territory. The

temporary permit for children older than 16 has the same scope.

The authority which has granted those temporary permits will inform the judicial authority dealing with the criminal case of this circumstance.

If the criminal proceeding ends with a guilty judgment or another court resolution declaring that you have been a victim of gender violence, you will be notified that the requested authorisations have been granted or, if you did not apply for them, you will be informed of the possibility that you can apply for them within six months after notification of the judgment.

When your situation is regularised because you have a permit for a family group linked to the residence permit of your aggressor, the protection order, or in its default the report from the Public Prosecutor indicating the existence of signs of gender violence, will allow you to request and obtain a residence and work permit that is not connected to him.

If the aggressor found guilty of gender violence is a foreigner without legal residence in Spain, the law envisages his expulsion from national territory, forbidding him from returning to our country during a period of up to ten years after the expulsion date.

What can happen to me if I abandon the home?

If you leave your residence because you fear for your life, your integrity or your physical or psychological health, this is not considered noncompliance with the duties of living together and does not imply the loss of any right.

If for security reasons you are thinking of leaving your home, do not give out information about this nor indicate your plans. Prepare a list of telephones of friends, relatives, doctors and school acquaintances. Save your most important documents or make photocopies of them (deeds, bank accounts, investments, etc) and note down any information that may be useful.

How can you apply for admission to a shelter home?

If you are afraid of a new aggression from your partner or ex-partner and your circle of family or friends do not seem safe enough, you can ask to be taken in, along with your children, by the Comprehensive Shelter Service (Servicio Integral de Acogida) for women who are gender violence victims. This service is dependent on the Andalusian Institute for Women's Affairs and offers immediate attention 24 hours per day.

You can access this refuge service via the following:

Provincial centres of the Andalusian Institute for Women's Affairs;

The free information number 900 200 999, which handles requests at any time and urgently, 24 hours a day, 365 days a year.

The law enforcement agencies, social and health services, courts, Municipal Information Centres for Women (CMIM – Centros Municipales de Información a la Mujer), Information Points for Women (PIM – Puntos de Información a la Mujer), SAVA or any other institution that works directly or indirectly with women who are gender violence victims can help make your arrangements with these resources.

Depending on the characteristics of your case and its urgency, your admission to the following resources will be decided:

- Emergency Centres: These are centres which temporarily provide comprehensive attention and protection to women in gender violence situations and the children accompanying them, assuring that they have immediate shelter. They cover their protection and security needs.

- Shelters (Casas de Acogida): These are residential refuges arranged as independent housing units and common spaces which provide comprehensive attention while ensuring that families have sufficient autonomy. They offer immediate shelter, protection and security measures and guarantee comprehensive attention by means of social, psychological and legal actions to help the women overcome the violence they have suffered.

- Supervised Apartments (Pisos Tutelados): These are independent single family homes granted temporarily. They are located in otherwise normal buildings and areas and are meant to provide a temporary residence until the women are able to live on their own. Access to this resource is available after passing through a shelter home and if your situation so advises. During this phase, comprehensive support will continue to be provided to the women and the children accompanying her by the Shelter's team of professionals.

What can you do if the father of your children doesn't pay child support?

If the father of your children fails to make the payments he is obliged to make, you should request implementation of the judgment mandating separation, divorce or guardianship and custody which imposes those obligations.

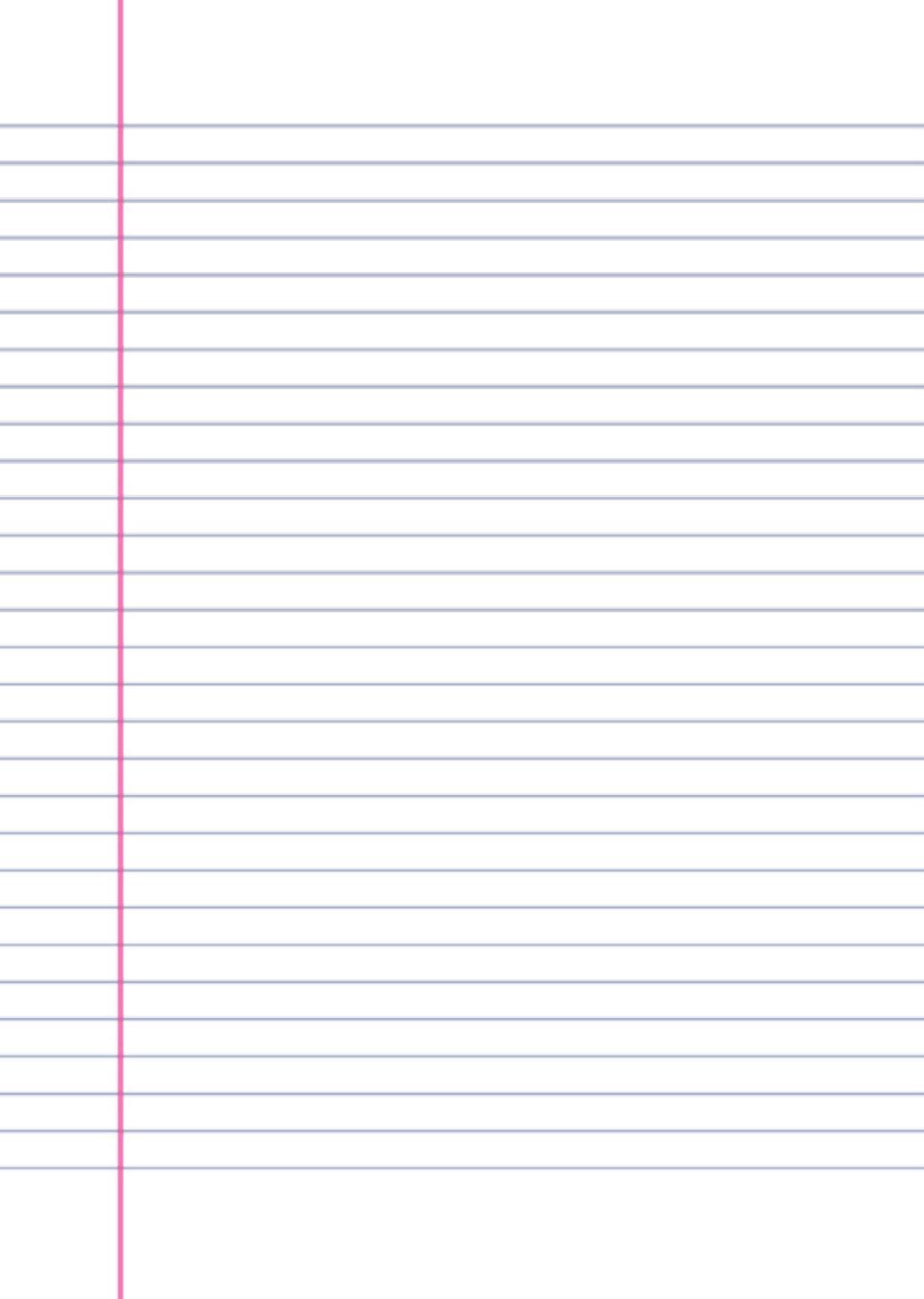
In such cases the Judge may order confiscation of the salary of your husband, ex-husband, partner or ex-partner, or of any other kind of income or property which he holds.

You should also know that the criminal code punishes the act of not paying for two consecutive months or four non-consecutive months any kind of economic benefit in favour of the spouse or children, established in judicially approved pact or court resolution involving legal separation, divorce, declaration annulling marriage, parentage case or child support process.

However, even if the father does not effectively pay the judicially agreed child support, you cannot deny him from associating with them or from visiting them in accordance with the schedule established by the Court.

Remember that if despite execution of the civil judgment you are unable to make him effectively pay the child support, you can ask for an advance from the Food Guarantee Fund (Fondo de Garantía de Alimentos) for your children, which will be processed as urgent when you show proof that you are a victim of gender violence.

Magenta free woman





**RESOURCES AND SERVICES OFFERING
INFORMATION, CARE AND ADVICE**

ASSISTANCE SERVICE FOR VICTIMS IN ANDALUSIA (SAVA).

The Assistance Service for Victims in Andalusia (SAVA – Servicio de Asistencia para Víctimas in Andalucía) is a free public service comprising a multidisciplinary team of professionals from the areas of law, psychology and social assistance. Coordinated by the Directorate-General for Gender Violence and Victim Assistance of the Department of Justice and Interior, it has the following main objectives:

- To inform, protect and accompany you throughout the Court process, offering you the legal advice, psychological assistance and social support you need. They will accompany you when you submit the complaint or request a protection order;
- To bring justice closer to citizens, providing you with information about your corresponding rights and guidance about any question or process associated to your

court case, to reduce or avoid the effects of secondary victimisation;

- To collaborate and facilitate coordination between entities, institutions and services involved in helping victims: the Judiciary, Public Prosecutor's Office, law enforcement agencies, social and health services, associations and any others that pursue the same interest.

Directory:

ALMERIA

Address: Carretera de Ronda, 120.

Planta 2-Blq A. Ciudad de la Justicia

Telephone: 950204000/01/03/04/05

Fax: 950204002

Email: sava.almeria.iuse@juntadeandalucia.es

CADIZ

Address: C/ Cuesta de las Calesas, s/n 1ª pta.

Audiencia Provincial

Telephone: 956011630/95

Fax: 956011612

Email: sava.cadiz.iuse@juntadeandalucia.es

CAMPO DE GIBRALTAR

Address: Plaza de la Constitución, s/n.

Palacio de Justicia

Telephone: 956027616

Fax: 956027607

Email: algeciras.sava.iuse@juntadeandalucia.es

CORDOBA

Address: Plaza de la Constitución, s/n.

Palacio de Justicia

Telephone: 957002460/61/62/63

Fax: 957002464

Email: sava.cordoba.iuse@juntadeandalucia.es

GRANADA

Address: Edif. Judicial “La Caleta”, Avda. Del Sur,
nº 5, planta 1ª

Telephone: 662979176/77/67

Fax: 958028758

Email: sava.granada.iuse@juntadeandalucia.es

HUELVA

Address: Alameda Sundheim, nº 28.

Palacio de Justicia

Telephone: 959013865/66/67/68

Fax: 959013869

Email: sava.huelva.iuse@juntadeandalucia.es

JAEN

Address: C/ Cronista González López, nº 3-Bajo

Telephone: 953331375/76

Fax: 953010753

Email: sava.jaen.iuse@juntadeandalucia.es

MALAGA

Address: Ciudad de la Justicia. C/ Fiscal Luis

Portero García, s/n.

Telephone: 951939005 / 951938019 / 951939205

/ 951938018 / 951938026

Fax: 951939105

Email: mariav.rosas.ext@juntadeandalucia.es

SEVILLE

Address: Prado de San Sebastián, s/n. Edif.
Audiencia Provincial, Juzgado de Guardia de
Detenidos .

Juzgados de violencia sobre la mujer.

Avda. De la Buhaira

Telephone: 955005010 / 955005012

Fax: 955005011

Email: estherrguez@gmail.com /
sandramillanmadera@gmail.com

ANDALUSIAN INSTITUTE FOR WOMEN'S AFFAIRS

The Andalusian Institute for Women's Affairs (IAM – Instituto Andaluz de la Mujer) via its provincial centres will provide you with information and assistance to help you find your way out of the violent situation, taking care of your needs and those of your children.

Directory:

ALMERIA

Address: C/Paseo de la Caridad, 125. Finca Santa Isabel. Casa Fischer

Telephone: 950006650

Fax: 950006667

Email: cmujer.almeria.iam@juntadeandalucia.es

CÁDIZ

Address: C/ Isabel la Católica, 13

Telephone: 9560073300

Fax: 956007317

Email: cmujer.cadiz.iam@juntadeandalucia.es

CÓRDOBA

Address: Avda. Ollerías, 48

Telephone: 957003400

Fax: 957003412

Email: cmujer.cordoba.iam@juntadeandalucia.es

GRANADA

Address: C/ San Matías, 17

Telephone: 958025800

Fax: 958025818

Email: cmujer.granada@juntadeandalucia.es

HUELVA

Address: Plaza de San Pedro, 10

Telephone: 959005650

Fax: 959005667

Email: cmujer.huelva.iam@juntadeandalucia.es

JAÉN

Address: C/ Hurtado, 4

Telephone: 953003300

Fax: 953003317

Email: cmujer.jaen.iam@juntadeandalucia.es

MÁLAGA

Address: C/ San Jacinto, 7

Telephone: 951040847

Fax: 951040848

Email: : cmujer.malaga.iam@juntadeandalucia.es

SEVILLE

Address: C/ Alfonso XII, 52

Telephone: 955034944

Fax: 955035957

Email: : cmujer.sevilla.iam@juntadeandalucia.es

Also, the Andalusian Institute for Women's Affairs places at your disposal the following resources, among others:

Telephone number 900 200 999 – information for women

The telephone number 900 200 999 is a FREE AND PERMANENT service available 24 hours a day every day of the year. It is anonymous and confidential and the team on duty consist of trained personnel. It helps you immediately resolve various questions and problems.

This telephone number can provide you with specialised legal advice and attention and manage your need for shelter in an emergency situation.

Online legal advice: consultations

This is an online service which offers the possibility of making consultations and receiving expert legal advice in matters associated to gender violence. For this purpose you will find the following on the IAM website:

- Information about rights corresponding to women in cases of gender violence;
- Legal advice when the time comes to begin police, court and health proceedings, etc;
- Specialised and immediate response to questions you raise regarding gender violence.

Comprehensive service to care for and shelter gender violence victims

Women who are victims of gender violence and feel the need to leave their homes for safety reasons can request shelter for themselves and their children via this service, which has centres located in Andalusia's eight provinces. It offers offering immediate attention, 24 hours a day.

Access to these centres is activated via:

Provincial centres of the Andalusian Institute for Women's Affairs;

The free telephone information number 900 200 999;

Also, law enforcement agencies, social and health services, courts, Municipal Information Centres for Women (CMIM), Information Points for Women (PIM), SAVA or any other institution that works directly

or indirectly with women who are victims of gender violence can route cases they deal with via the provincial centres for women and the 900 200 999 helpline to the care and shelter resources.

BAR ASSOCIATIONS IN ANDALUSIA

The legal guidance service of your province's Bar Association (Lawyers' Association – Colegio de Abogados) will advise you about how to request free assistance and will provide you with the forms needed for your application. When you go to submit the complaint to the Court or the offices of law enforcement agencies they will tell you where the respective service is located so you can go there for help.

RESOURCES IN YOUR AREA

In your local area you can use the Municipal Information Centre for Women or the Information Point for Women, where they can offer you information, advice and support because they are closer to you. Find out at your Town/City Hall where these services are located in your municipality. Likewise, in your locality the necessary information is also available at police stations or other law enforcement posts.

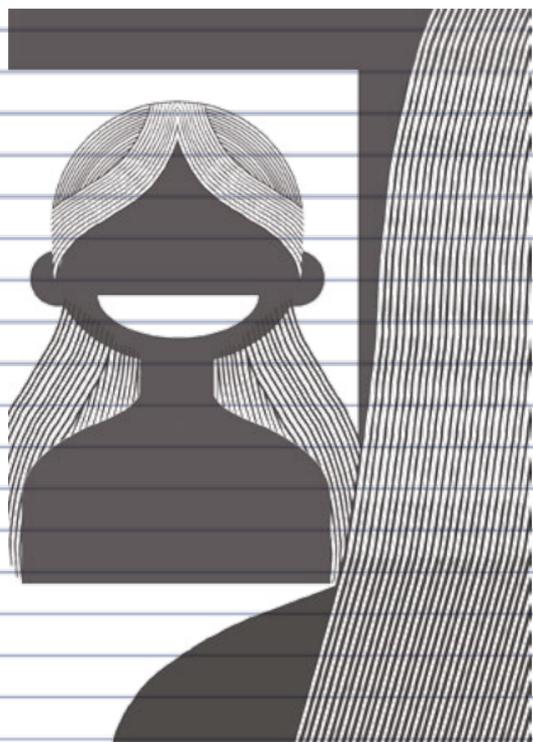
TELEPHONE NUMBER 016

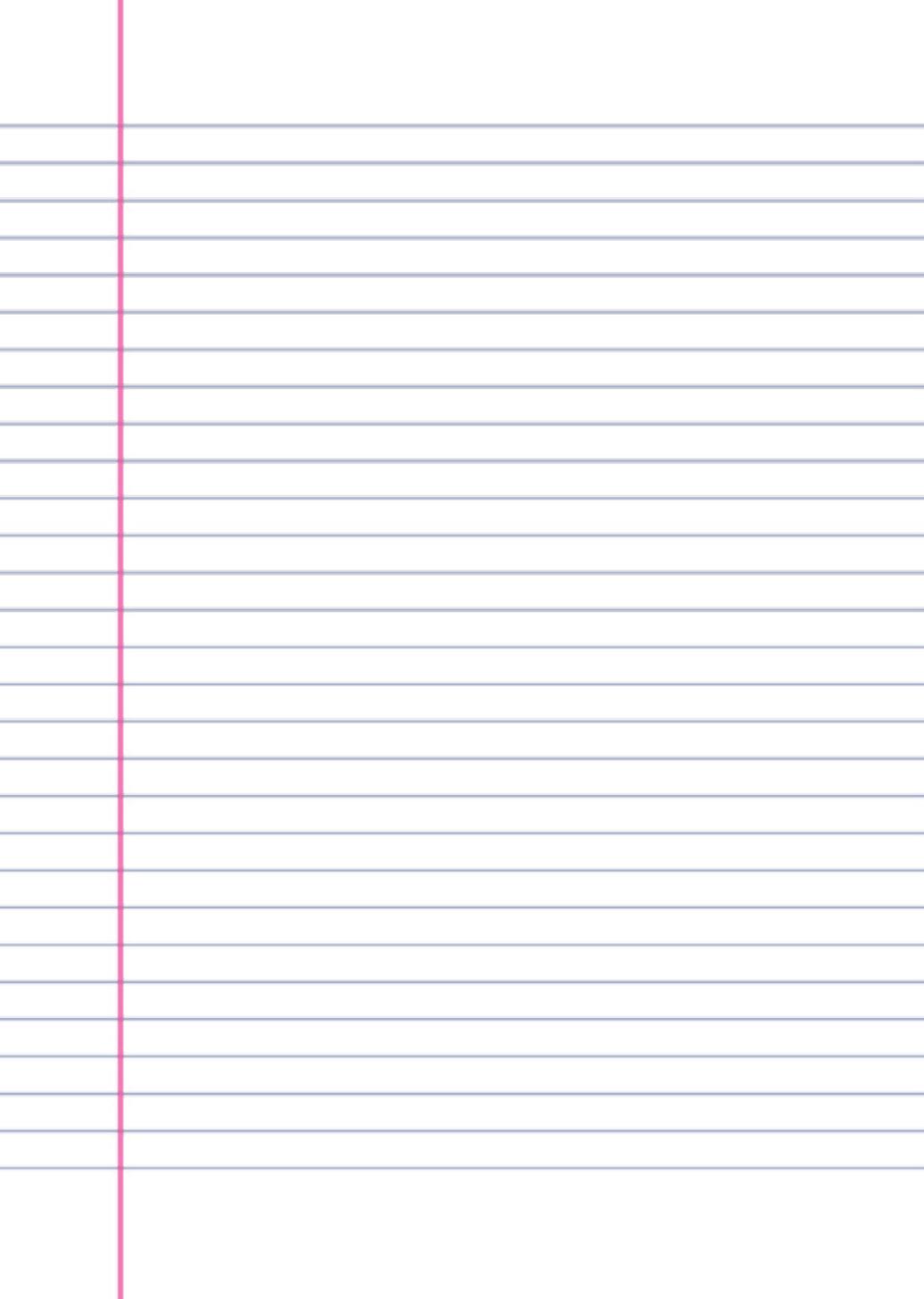
The telephone information and legal advice number for matters of gender violence is 016 and leaves no traces. It offers you information about what to do in case of abuse, and your resources and rights, as well as legal advice.

EMERGENCY TELEPHONE NUMBER 112

If you find yourself in an emergency situation call the telephone number 112 in Andalusia. This is a free public service permanently available to deal with any urgent or emergency situation to safeguard your security.

The professional staff of 112 Andalusia take calls in the main languages of the European Union, Spanish, English, French and German as well as Arabic, thereby overcoming geographic and language barriers and assuring comprehensive service for the entire population.





GLOSSARY OF TERMS

In this section we define in simple language the legal and procedural terms used in this guide to make it easier to understand.

Abuse: This crime consists of exercising physical or psychic violence:

1. On someone who is or has been your spouse or someone who is or has been linked to him by a similar relationship, even without living together.
2. On the offspring, ascendants or siblings of the spouse or cohabiting partner.
3. On minors or disabled persons who live with him and who are subject the de facto authority, tutelage, custody, care or guardianship of the spouse or cohabiting partner.
4. On a person protected by means of any other relationship whereby he or she is considered a part of the family household.

5. On persons who due to their special vulnerability are submitted to the custody or guardianship of public or private institutions.

It is Habitual Abuse when the number of attested acts of violence occur continuously over time, irrespective of whether that violence has been exercised on the same or different victims as listed above, and whether or not those violent acts have been brought to trial in previous cases;

It is Occasional Abuse when those acts are produced in an isolated manner over time.

Acquittal: Acquittal is a court ruling that ends the criminal proceeding by declaring that the accused person is not guilty, either because he did not take part in the criminal act or because his action did not constitute a crime.

Appeal: This is the means whereby a person can contest a judicial resolution which he or she does not agree with, by requesting that it be modified by the respective judicial body or by a higher court.

Appearance: This is the act whereby victims of an alleged crime or misdemeanour play an active role in the prosecution during a court case, designating a lawyer (abogado) to defend their interests and a court representative (procurador) to represent them at court.

Charge: This is the act whereby a person is formally accused of a crime.

Coercion: This crime consists of violently preventing a person from carrying out an action or on the contrary forcing that person to do something against his or her will, without the person who is coercing being legitimately authorised.

Community service: This sentence can only be imposed on the convicted person with his consent. It obliges him to work unpaid in certain activities deemed to be publicly useful.

Complaint: Written document addressed to the Court that reports the commission of a crime

or misdemeanour. The complaint marks the beginning of criminal court cases.

Confidentiality: Obligation imposed on the professionals who help you (law enforcement agencies, health professionals, lawyer, etc) to not disclose any information they know about your case to any unauthorised person. In any case, in actions and proceedings involving gender violence the law guarantees protection of your privacy, your personal data and those of your offspring and any other person under your guardianship and custody.

Court Representative: Representative before the Court whose function is to follow all stages of the case and keep you and your lawyer informed of them. Is also responsible for receiving and signing all relevant court notifications and citations.

Crime: This is behaviour against the law done voluntarily and recklessly by a person, as described and punished in the Code of Criminal Procedure.

Declaration: Statement made by the parties, the experts and the witnesses to law enforcement agencies or before the judicial authority regarding the facts associated to the commission of a crime or misdemeanour.

Defamation: This crime consists of casting dishonour and discredit on a person while knowing that it is false

Decree: This is a court resolution whereby the Judge resolves questions associated to the main object of the proceeding.

Dismissal: This is the resolution adopted by the judicial body when, after the pre-trial phase, the charges cannot be maintained against a person. Dismissal can be provisional or free. Provisional dismissal means a suspension of the proceeding, which can nevertheless be reopened if new relevant evidence appears. Free or definitive dismissal means the end of the criminal proceeding.

Expedited proceedings: Such actions are carried out by the judicial entity when the committed crime can be put on track for a fast trial and once the police report has been received. Among others, they can consist of taking the declarations of the person charged or witnesses, and requesting criminal records or reports from experts.

Gender violence: Any act of physical or psychological violence, including aggression affecting sexual freedom, threats, coercion or arbitrary deprivation of freedom, which as a manifestation of discrimination, situation of inequality and men's power over women, are exercised on women by anyone who is or has been their spouse or is or has been connected to them in a similar affectionate relationship, even without living together.

Harassment: This crime consists of committing acts toward your person without your consent, whereby you feel severely intimidated. This is sexual harassment if such conduct involves

demanding favours of a sexual nature for him or for a third person in the scope of a work, teaching or service provision relationship.

Humiliation: This crime or misdemeanour consists of abusing, bothering, wronging or making suffer another person. It can involve words or gestures meant to humiliate her, or any other conduct designed to bother or denigrate her, creating malaise, disquiet or disrupting her daily life without any reason or justification.

Injuries: Crime that consists of acts which hurt or damage another person, injuring their physical or mental health by any means or procedure, and which require assistance first and then medical or surgical treatment to be cured. The facts can be described as misdemeanours when the injuries do not require medical or surgical treatment or when they are caused by serious negligence.

Injury report: Document in which health professionals report to the Judge the information

obtained regarding the information and facts declared by the victim and the health tests and examinations that have been performed.

Judge: This is the person responsible for applying the law to settle disputes that arise between parties. The judge is independent and only subject to the rule of law. The Examining Magistrate (Juez/a Instructor/a) directs the pre-trial phase (investigation, summary, previous or expedited proceedings) of a criminal proceeding, while the Trial Judge (Juez/a Sentenciador/a) conducts the trial and issues the respective judgment.

Judgment: This resolution ends the criminal proceeding (by convicting or acquitting the accused) or civil proceeding (deciding on the petitions presented by parties in a lawsuit). The judgment will become firm and binding (firme) when it can no longer be appealed before a higher judicial authority.

Lawsuit: Document addressed to the Court which

initiates a civil case. It indicates what the plaintiff is seeking and the respective grounds.

Lawyer: Person with a law degree who advises, provides legal counsel and directs the defence of the rights and interests of parties in a judicial proceeding. The so-called Ex Officio Lawyer (Abogado/a de oficio) will be designated by the respective Bar Association (Colégio de Abogados) when so requested. For women who are victims of gender violence he or she does this work for free.

Misdemeanour: Like crimes, misdemeanours constitute behaviour against the law done voluntarily and recklessly, as described in the Code of Criminal Procedure and punished with lighter sentences because they are less serious.

Parental responsibility: Set of duties which parents must assume over their unemancipated children to ensure their assistance and education.

Permanent localisation: This is a light

punishment depriving offenders of their liberty, obliging them to remain at home or at a determined location established by the Judge. Cannot last for more than six months.

Police report: This is the document drawn up by law enforcement agencies in which they set down the circumstances they have investigated, attesting that the facts indicated in the complaint constitute a crime or misdemeanour, as well as all actions meant to safeguard your security.

Precautionary measure: This is an action determined by the Judge to prevent the commission of new violent acts given the certain risk that they might occur, until the court proceeding is resolved (such as, for example, orders to keep distant and/or not communicate, etc).

Presumption of innocence: This is a legal principle whereby a person who is accused is presumed to be innocent throughout the criminal case, until found guilty in the judgment

regarding commission of the respective crime or misdemeanour.

Prohibition from approaching, residing in or visiting certain places: This is a precautionary measure or sentence which the judicial body may impose on a defendant or person convicted. It consists of a prohibition from approaching the victim, her home or workplace, within a distance that will be determined in the protection order or judgment. The prohibition on residing or going to a given place, neighbourhood, municipality, province or autonomous community may likewise be imposed on the accused.

Prohibition of communication: This is a precautionary measure or sentence which the judicial body may impose on a defendant or person convicted. It consists of the prohibition from establishing any kind of written, verbal or visual contact with the victim, her children or any member of her family, as determined in the judicial resolution. This means he cannot call you

by telephone, nor send you SMS, emails or letters. Nor can he send you messages by means of other persons.

Protection order: Resolution by the Judge which establishes the criminal and civil measures needed to fully safeguard gender violence victims, ensuring that they have access to the social assistance established for them by the State, Autonomous Communities and Local Administrations, until a judgment is handed down.

Provisional detention: This is a precautionary measure whereby alleged offenders are admitted to jail to ensure their presence in the criminal proceeding when there is a risk of escape. It is also meant to protect you and prevent them from hurting or threatening you again or from destroying evidence.

Provisional release: Precautionary measure approved for persons being tried for a crime which limits their freedom, imposing the obligation to

appear before the Judge on the days so indicated and at any other times deemed necessary in relation to the case.

Repeat offence: This circumstance augments the criminal responsibility of the offender when, having once been condemned, he commits a new crime of the same nature. Any cancelled criminal records are not counted for repeat offences.

Ruling: This is the part of the judgment containing the decision of the judicial entity regarding the conviction or acquittal of the person sued or charged.

Secondary victimisation: This term refers to all effects produced in the victim in the interaction with the social, judicial or police system during the investigation of the crime of gender violence or during consequent treatment, as well as effects resulting from exposure in the news media. These can potentially lead to a second victimisation experience, after the one caused by the crime itself.

Sentence: The punishment imposed by the Judge on the person found guilty of a crime or misdemeanour.

Slander: This is the crime or misdemeanour which consists of accusing a person of having committed a crime, while knowing that the charge is false.

Summons: This is a communication from the Court to each party in the judicial proceeding, indicating the place, day and time when they should appear before the Judge.

Threats: This crime consists of threatening bad consequences for the woman, her family or other people with whom she is connected.

Trial: This is the phase also known as the oral trial proceeding (juicio oral) in which the Judge, after examining the facts, dictates a judgment either acquitting the person tried or finding that person guilty of the respective crime or misdemeanour.

Trial proceeding: Vista is a term used to refer to the trial.

Victims: Persons who individually or collectively have suffered damage, physical or mental injury, financial loss or significant harm to their fundamental rights as a consequence of a crime or misdemeanour.

Violation of sentence: This crime consists of violating the sentences or precautionary measures imposed in a court resolution.

Witness: A person called to testify before a judicial body to help ascertain the circumstances of an alleged crime or misdemeanour.

